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Université de Montréal

**Micro-governance and
citizen-based security in Brazil**

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Résumé

Cette thèse s'appuie sur la littérature spécialisée en études latino-américaines et en criminologie pour étudier les moyens *licites* à travers lesquels les citoyens défavorisés s'organisent au niveau communautaire pour gérer les problèmes quotidiens qui causent l'insécurité dans un contexte caractérisé par l'échec de la justice et de la sécurité publique. J'examine différentes formes de participation citoyenne dans les réseaux de sécurité locale au Brésil et en Afrique du Sud, et emploie une méthodologie idéal-typique pour mesurer l'envergure du pouvoir d'action que ces programmes de micro-gouvernance permettent aux citoyens en tant qu'*individus* et en tant que *communautés*. La recherche se base sur les résultats de deux projets pilotes, sur un sondage réalisé auprès des citoyens dans les sites pilotes, et sur un sondage national sur les « systèmes alternatifs d'administration de conflits » pour démontrer et expliquer pourquoi les programmes locaux de (micro)gouvernance au Brésil ne parviennent généralement pas à habiliter les *communautés* avec la capacité d'action nécessaire pour agir sur l'insécurité. L'analyse comparative des réseaux de sécurité locale au Brésil et en Afrique du Sud démontre qu'au Brésil, les réponses communautaires à l'insécurité soumises à une forme de régulation institutionnelle ne permettent aux citoyens qu'une forme minimale de participation puisqu'elle demeure limitée à la consommation de services pour la plupart monopolisés et fournis par des acteurs institutionnels non-communautaires. Je propose des arguments qui proposent que les échecs des programmes de micro-gouvernance au Brésil résultent de la prévalence de normes conservatrices sur la régulation de la justice parmi les acteurs étatiques, internationaux, et extra-communautaires au sein des réseaux de sécurité locale. Ces normes génèrent des coûts humains et financiers très élevés pour les partenaires publics et privés. Par ailleurs, les normes conservatrices minent la réalisation des objectifs pratiques et normatifs de l'agenda de la sécurité humaine en déplaçant le centre de prise de décision à l'extérieur de la communauté, créant un paradoxe où la gouvernance communautaire est effectuée à travers des acteurs non-communautaires. Ma recherche démontre que les citoyens défavorisés sont exclus de la participation à ces projets communautaires en tant qu'agents légitimes capables d'agir sur la justice et la sécurité par des bureaucraties qui cherchent à les « aider » plutôt qu'à les habiliter, d'une part, et, d'autre part, par des chercheurs et spécialistes de politique publique qui prennent pour acquis que dans un contexte d'échec de la sécurité publique, les pauvres ont typiquement recours à des moyens criminels pour résoudre leurs problèmes. Cette étude aborde des questions clés sur la sécurité citoyenne, de comment réduire l'insécurité dans les bidons-villes à pourquoi les normes et valeurs ayant trait à la régulation de la justice déterminent les résultats en termes de sécurité humaine.

Mots-clés; Sécurité humaine ; Réseaux de sécurité locale ; Insécurité ; Accès à la justice ; Etat de droit ; Résolution alternative de disputes ; Société civile ; Droits de la citoyenneté ; Bidons-villes/favelas ; Connaissances locales.

Abstract

This doctoral dissertation builds on the “misrule of law” literature in Latin American studies and recent scholarship on “nodal governance” in criminology to study the *lawful* means through which the poor, in a context of failing justice and public security, are organized at the community level to address everyday problems that cause real and perceived insecurity. I examine different forms of citizen participation in local security networks in Brazil and South Africa, and employ ideal-typical methodology to measure the extent of agency micro-governance programs enable citizens to exert on insecurity as *individuals* and as *communities*. The research draws on results from two pilot experiments, and uses survey data from the pilot sites and from a national mapping of “alternative systems of conflict administration” to demonstrate that, and explain why, local (micro)governance programs in Brazil generally fail to empower *communities* as a means of security. Comparative analysis of local security networks in Brazil and South Africa shows that in Brazil, lawful, regulated community-based responses to insecurity enable citizens to exert only a limited, consumptive form of agency as the majority of local programs remain monopolized by non-community actors. I argue that the failures of micro-governance programs in Brazil result from the prevalence of conservative norms about the regulation of justice on the part of state, international, and other non-community actors working within local security networks. These norms generate unnecessarily high financial and human costs for public and private partners. They also undermine practical and normative objectives of the human security agenda by shifting the locus of decision-making outside the community, creating a paradox of what can best be described as “community governance from above.” My research shows that the poor are disempowered as legitimate agents of Justice and as a means of security by bureaucracies that seek to “help” —as opposed to empower— them, on the one hand, and, on a different level, by scholars and policy-makers who take for granted that the poor’s usual means of problem-resolution in the context of failing public security typically involves a criminal element. Ultimately, the research tackles key questions from how to reduce insecurity in shanty-towns to why norms and values in the policy-area of justice regulation determine human security outcomes.

Key words: Human Security; Local Security Networks; Insecurity; Access to Justice; Rule of Law; Alternative Dispute Resolution; Civil Society; Citizenship rights; Shanty-towns/favelas; Local Knowledge.

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Introduction

This doctoral dissertation builds on the “misrule of law” literature in Latin American studies and recent scholarship on “nodal governance” in criminology to study the *lawful* means through which the poor, in a context of failing justice and public security, are organized at the community level to address everyday problems that cause real and perceived insecurity. I examine different forms of citizen participation in local security networks in Brazil and South Africa, and employ ideal-typical methodology to measure the extent of agency micro-governance programs enable citizens to exert on insecurity as *individuals* and as *communities*. The research draws on results from two pilot experiments, and uses survey data from the pilot sites and from a national mapping of “alternative systems of conflict administration” to demonstrate that, and explain why, local (micro)governance programs in Brazil generally fail to empower *communities* as a means of security. Comparative analysis of local security networks in Brazil and South Africa shows that in Brazil, lawful, regulated community-based responses to insecurity enable citizens to exert only a limited, consumptive form of agency as the majority of local programs remain monopolized by non-community actors. I argue that the failures of micro-governance programs in Brazil result from the prevalence of conservative norms about the regulation of justice on the part of state, international, and other non-community actors working within local security networks. These norms create unnecessarily high financial and human costs for public and private partners. They also undermine practical and normative objectives of the human security agenda by shifting the locus of decision-making outside the community, creating a paradox of what can best be described as “community governance from above.” My research shows that the poor are disempowered as legitimate agents of justice and as a means of security by bureaucracies that seek to “help” —as opposed to empower— them, on the one hand, and, on a different level, by scholars and policy-makers who take for granted that the poor’s usual means of problem-resolution in the context of failing public security typically involves a criminal element. Ultimately, the research

tackles key questions from how to reduce insecurity in shanty-towns to why norms and values in the policy-area of justice regulation determine human security outcomes.

When citizens suffer from class, gender, ethnic, racial, religious, and/or cultural discrimination from the police and courts and are victimized by abusive and arbitrary state practices—and this is especially true for the poor—then how and to whom can they make any claim to any right? How do the poor deal with and respond to everyday problems of insecurity when insecurity itself often directly results from the state authorities who are supposed to protect citizens against insecurity in the first place? The emphasis on the organizational capacities of the poor is justified in the context of extreme inequality that characterizes the socio-economic landscape in Brazil, where millions of citizens living in poverty are not only victimized on a daily basis by severe social injustices, but are also the principal victims of arbitrary and corrupt practices by law enforcement authorities. Moreover, the problem of problem-resolution in a context of urban poverty, failing public security, and discredited judiciary institutions is compounded by the fact that many of the daily problems (e.g., disputes between neighbors, failing to reimburse personal loans and/or to make alimony payments, bar fights, gambling, loud music late at night, etc.) that cause insecurity do not constitute crimes per se, but when left un-addressed, can lead to violence and actual crimes, thus creating greater insecurity.

Low-income communities in Brazilian cities are often concentrated in “favelas¹” (Portuguese word for shanty-town). Favelas are densely populated illegal (or un-regularized) squatter settlements typically located in the periphery

¹ The word “favela” refers to a small tree found in the region of the Sertão (located in the interior of Bahia), where, in the late 19th century, the residents of Canudos revolted against the social and economic exclusion associated to the new Republican government. As their settlement was set up in “Alto da Favela,” the word “favela” came to be associated to their insubordination and the first squatter settlement in the city of Rio de Janeiro in the early 20th century received the name “Morro (hill) da Favela” (Goirand, 2000).

of urban centers, where precarious habitations improvised out of recycled materials, of which the construction is usually incomplete, are piled up one on top the other (Goirand, 2000: 69-70). Favelas are marginalized spaces that lack the most basic infrastructures and are notoriously infamous as centers of crime, violence, and daily insecurity.

Insecurity refers not only to the lack of security and to the absence of safety, but more significantly, insecurity is a state of its own characterized by vulnerability, fear and want. The experience of insecurity is associated to feelings of powerlessness, or lack of agency, to act upon circumstances and effect change in the course of events. In the context of failing justice and public security, citizens and communities must develop alternative ways to exert individual and collective agency to deal with local security issues as democratic authorities are not only failing to provide these public goods, but are often further considered a bigger part of the problem than of the solution.

The concept of agency refers to the capacity of actors to make and impose choices, and to the means by which they accomplish this. That is, agency is about the ability of individuals “to become actors and shapers of their own destiny” (Manz, 2003: 328). While the question of agency has to do with the relative power of individuals and communities to act and to shape outcomes, governance is about the principles and mechanisms that frame and regulate these actions within a specified context. Broadly defined, governance refers to “the management of the course of events in a social system” (Drahos, Burris and Shearing, 2005), or to “the traditions and institutions by which authority is exercised” (Kaufmann, Kraay, Mastruzzi, 2003, c.f., *ibid*).

Micro-governance community programs work through state, society, international and/or private sector partnerships, commonly referred to as Public-Private Partnerships or PPPs, to empower individual citizens and/or local collective actors with knowledge and capacities to exert agency over problems

that undermine the quality of daily life, whether rooted in social injustices and underdevelopment, the misrule of law, or the private, domestic realm. The community programs examined as part of this study all fall within the broad policy area of Human Security, and were implemented in underprivileged communities via PPPs with the programmatic objective of reducing daily insecurity through access to justice. More specifically, these micro-governance initiatives can be conceptualized as *community-based systems of dispute resolution that enable citizens to resolve daily conflicts and crimes and address real and perceived sources of injustice and insecurity at the local level, through local channels, outside the formal justice system but within a lawful, regulated framework of action.*

Micro-governance enables the exercise of citizen agency at the community level through institutionalized networks that are developed and implemented in collaboration with non-community actors, with the purpose of regulating a specific issue-area, such as security. These networks, also commonly referred to as “local security networks,” involve varying levels of participation by citizens, communities, state authorities, international organizations, aid agencies, NGOs, and epistemic communities² who provide funding, knowledge, and institutional and logistical support according to each actor’s relevant and relative capacities. Broadly, studies on local security networks are interested in the relevance and efficiency of local knowledge and capacities in governance arrangements, and are concerned with the distribution of power and resources within the network as well as with the institutional configurations regulating the interactions of its multiple actors.

Dupont (2004) defines local security networks as initiatives that seek “to harness the public and private resources available in local communities in order to overcome complex crime problems that find their origins in deteriorating social

² Haas (1992) defines the concept of epistemic communities as “networks among professionals with an authoritative claim to policy-relevant knowledge”.

conditions [...] Local security networks act as information exchanges on local crime problems and on the resources that can be mobilized to solve them [...] They rely on local knowledge and solutions that transcend institutional boundaries.”

In local security networks, the “community” is constituted by individuals bound by the neighborhood’s territory. Individual local residents exert *collective* community agency when they participate in the network as a group (or “node”) and work together in collective decision-making processes to help community members resolve conflicts and address shared problems of insecurity experienced within the common physical place of residence.

Inspired by Weber’s ideal-type, my research shows that individual and community agency in local security networks can take six distinct forms, ranging from consumption (based on private individual agency) to real agency (based on collective community agency). Building on the ideal-typical model, I further demonstrate that the relationship between citizen agency and micro-governance is not only causal but also constitutive, and explain how ideas and norms about who can have agency on justice determine the relative power of outside-community actors (the bureaucracy) within local security networks, and thus the extent of citizen agency. The cases examined in Brazil and South Africa conclusively indicate that the more conservative the predominant institutional actor (or “node”), the lesser the extent of citizen and community agency on insecurity within the network, and the more heavily bureaucratized and costly the program. Conversely, the more liberal the predominant institutional actor, the greater the extent of citizen and community agency within then network, and the less bureaucratized and costly the program.

In a nutshell, *conservatives* seek to *conserve* the status-quo and are opposed to change. They seek to preserve some form of state monopoly over justice because they believe social conflicts must be arbitrated and/or monitored closely

by formal experts and authorities related to the justice system. A common perception in Brazil is that only professionally-trained individuals with recognized academic and institutional credentials have the necessary expertise to arbitrate social conflicts, and thus should be the only ones recognized as legitimate agents of justice and means of security. This elitist bias will be referred to as “credentialism³,” which can be generically defined as emphasis on credentials to be conferred social status and/or employment. As a result, the majority of “community governance” programs in Brazil with a justice and/or security focus are heavily bureaucratized and mostly operated by outside-community professionals, which not only disempowers community residents as legitimate actors in supposedly “community-based” programs, but further creates unnecessarily high human and financial costs for public and private partners. Indeed, following functionalist logic, the outside-community bureaucracy needs the community project to safeguard the positions and salaries it was attributed for the project within its own institutional framework. In other words, the jobs of the project management team (coordinators, secretaries, assistants, etc.) are threatened to become oblivious if more decision-making power and responsibilities are entrusted to community actors in the community projects they support. Moreover, the conservative position presupposes that the state can and has been providing access to justice and public security in communities where micro-governance programs are implemented, which are usually precisely those areas where access to the formal justice system is the most difficult and where state authorities have been most notoriously known to not only fail to provide public security but to contribute to greater insecurity with police violence and corruption.

Other local security networks examined in Brazil and South Africa indicate, in contrast, that when the principal institutional actor adheres to “liberal” norms, local security networks can be operated at low cost through local community actors based on local knowledge. *Liberals* advocate for change. This normative

³ The concept of “credentialism” was initially developed by Weber, who noted the increased concern for formal education and qualifications in modern society.

position challenges the status-quo and the traditional state monopoly of justice. Liberals believe social actors can play a predominant role in the regulation of social conflicts, outside traditional state institutions. When liberal norms pervade the local security network, the community program succeeds in empowering local citizens as both private individuals and as a community to solve problems that cause daily insecurity at home and in the neighborhood. From a practical position, the problem with the liberal position is that to ensure the financial integrity of community project activities and thus safeguard long-term funding for the projects they support, professional members of its institution must monitor closely each case for which financial rewards are attributed. Even liberals do not empower local communities with completely autonomous collective decision-making power in their community program as administrative activities remain monopolized by outside-community actors.

Research Design

I investigate the question of citizen-based security in Brazil on three epistemological fronts, and seek to explain not only the causal dynamics, but also to understand the constitutive and normative dimensions. The heuristic objectives of this study can be conceptualized broadly in terms of three sets of concerns, which provided the analytical framework within which the three research questions discussed further below were formulated: 1) How has the problem of citizen-based security been formulated and studied in different disciplinary fields?; 2) What do we know and what can we know about the lawful forms of citizen-based security in Brazil?; and 3) What should be done about it—that is, how can this knowledge be translated effectively into useful theory and concrete political action? *what about the second case?*

To begin, I examine how the problem of citizen-based security has been studied in mainstream scholarship in Latin American studies and criminology. I

argue that the literature in Latin American studies fails to provide a complete and accurate picture of alternative, citizen-based forms of security in Latin America's infamous urban slums by taking for granted that the poor are more violent and typically resort to criminal means to compensate for the failures of public security.

✦ Working with the relevant scholarship in criminology, this study aims to help fill the gap in the literature by shifting the theoretical attention and empirical focus on lawful forms of citizen agency and community organization, and does not take for granted that the poor obtain justice and security through criminal means when state institutions and authorities are not accessible, unwarranted, or discarded as a viable option. The introduction of key insights from the criminology literature and the use of a "nodal" framework of analysis, which focuses on social actors, their institutional partners, and the networks in which they are embedded, addresses the more interesting questions about the conditions, the cooperative arrangements and the specific mechanisms that enable social conflicts to be regulated outside the formal state system.

I examine the institutional configurations regulating 93 local security networks in Brazil (68) and South Africa (25). I also investigate their normative structures, which, I argue, determine the shape of institutional configurations at the onset. It will be demonstrated that the normative structure of local security networks is essentially made up of ideas about the state's exclusive monopoly of justice, which, pending on the predominant ideational position within the bureaucracy, undermines or empowers different forms of citizen agency.

I further put the theory to the test and conduct two pilot experiments in Brazil inspired by the South African Zwelethemba model of conflict resolution and community development. Based on empirical results, I develop a critical theory of citizen-based security that seeks to effect ideational change within Brazilian Bureaucratia—that is, within the virtual network of state authorities,

international organizations, academic institutions, and NGOs involved in local security networks.

Research objectives are three-fold. Specifically, this study seeks to answer three related questions and demonstrate three research hypotheses for Brazil.

First, *in the context of failing justice and public security, how do citizens overcome real and perceived sources of insecurity in underprivileged communities?* In stark contrast to mainstream scholarship⁴ and policy papers⁵, this study does not take for granted that in the context of failing security, ordinary citizens in low-income communities—the majority of which are under- and unemployed workers— obtain justice and security by calling upon local thugs and vigilantes. The literature has ignored, if not obscured the more constructive role of citizens and communities —of civil society— in the governance of security in favelas (or what policy-studies commonly refer to as ‘urban slums’). The body of research on nodal governance and local security networks in criminology indicates the existence of important gaps in mainstream social science scholarship on Latin America.

Local security networks represent a form of civil society organization that warrants the attention of political scientists. The administration of security outside the formal state system is not new, for private security and retribution are universal and timeless. What is new are the institutionalized forms in which societal, state and international actors collaborate through networks and public-private partnerships to regulate security (and justice) lawfully and accountably at the community level. From a Foucauldian perspective, the “story” of citizen-

⁴ See, for example, the edited volumes by Prezworski and Maravall (2003); Eckstein and Wickham-Crowley (2003), and by Mendez, Pinheiro and O'Donnell (1999). See also Holston (2006); Oxhorn (2004 and 2003); Caldeira (2000); Prillaman (2000); Holston and Caldeira (1998).

⁵ See for example, discussion papers from the Human Security Research and Outreach Program of Foreign Affairs Canada and from the Canadian Consortium on Human Security.

based security in Brazil (and Latin America more generally) is incomplete. The construction of a discourse in the literature that focuses only on unlawful and private forms of citizen agency leads to misconceptions about how security is regulated outside the formal state justice system in low-income urban communities where public security is failing. To (re)construct the other, lawful side of the story, I employ opinion survey data on institutional (mis)trust and the usual means of problem-resolution in two low-income communities in Brasilia and demonstrate empirically that **in the context of the ‘misrule of law,’ residents of low-income communities do not, as the mainstream literature depicts, usually have recourse to private vengeance and security to solve daily problems of insecurity, but more typically to micro-governance programs (where available) and to authorities from the formal justice system, even when they do not trust them.**

Second, *what kind of agency do micro-governance programs enable the poor to exert on real and perceived sources of insecurity?* Based on comparative results for 93 local security networks within Brazil and between Brazil and South Africa, I demonstrate that **in Brazil, micro-governance programs do not empower citizens as a collectivity —as communities— to identify and implement solutions to shared problems of insecurity, but rather enable individuals to solve private problems that cause insecurity within the boundaries of their communities, provided with the assistance of professional outside-community experts.**

The nature of citizen and “community” participation in local security networks matters: To empower *communities* as a means of security, it is not sufficient for citizens to individually consume services provided locally by outside-community experts. The comparative analysis of the technology (e.g., knowledge-base), the resources (human and financial), the institutional structure, and the mentalities regulating 93 local security networks in Brazil (68) and South Africa (25) indicates that not all micro-governance programs enable citizens the

same kind nor the same extent of agency over insecurity. The use of program services administered by outside-community experts by individual community members does not enable the collective, community-based governance of security. Individual recourse to community program services empowers citizens to resolve private problems at the community level rather than through state authorities and channels, but is not equal to “community governance” as the locus of decision-making remains outside the community, and actual residents from the community are only allowed a limited form of participation in their community program. In Brazil, “community” programs are institutionally configured to enable a consumptive rather than participative model of (micro)governance, which undermines citizen agency because it excludes local participation from any real decision-making processes and limits the exercise of direct agency to the consumption of services provided by outside-community experts. As a result, local security networks work to empower citizens to identify and implement solutions to individual problems, but largely fails to meet the general human security objective of “empowering societies as a means of security” (UNDP, 1994).

The logic informing these initiatives is counter-intuitive in two important ways. First, “community governance” by definition involves that members of the community “manage the course of events,” or that “authority be exercised” through community traditions and institutions. Second, because they aim to improve access to justice and reduce insecurity through bottom-up, participatory processes of citizenship, community governance programs are intended to work principally through local actors, who, it is further argued, also have a comparative advantage (over police agencies and traditional operators of the justice system) given their local knowledge of the people, the daily problems, the language, and the usual ways and traditions of the community. When the spaces for participation in local security networks are monopolized by public and/or private partners from outside the community, and local residents are only allowed to participate in the network as consumers of services provided and/or closely monitored by

professionals, then the community program may arguably be conceived as second class justice system for poor.

Third, this study seeks to understand *how do norms and ideas about the state's exclusive monopoly of justice influence local security networks?* It will be demonstrated that **local security networks have their own normative structure constituted by ideas about the legitimacy of the state's exclusive monopoly of justice, which determines their institutional configuration, the choice for technology, and resource distribution within the network. In Brazil, conservative norms pervade institutional cultures and have translated into a programmatic bias in the form of credentialism that undermines both citizen and community agency in local security networks.**

The normative structure of local security networks determines the choice for the knowledge base (e.g. local versus expert) according to which the network operates daily, and how power, resources, and labor are distributed between community actors (the people) and outside-community actors (the bureaucracy) within the network. The prevalence of given norms and ideas about who can have agency on justice (and how) within the principal outside-community governing institution (or node) determines the extent of citizen agency within the local security network. I argue that the variations observed within Brazil and between Brazil and South Africa can be explained by the different normative structures of the local security networks examined. Based on two years of field research in Brazil, where I used ethnographic methods (discussed further in the methodological chapter) to collect data on the institutional configurations, the relevant actors, and the prevalent norms within local security networks, I identify different ideational trends on the regulation of justice. Using ethnographic data and building on results from two pilot experiments, it will be demonstrated that the more “conservative” the project management, the more credentialized, heavily bureaucratized, and costly the community governance program, and the lesser the extent of citizen agency within the network. Conversely, the more “liberal” the

project management, the more the community program operates based on local knowledge and through local actors, the less it is costly and bureaucratized, and the greater the extent of citizen agency within the network.

The micro-governance initiatives examined in Brasilia and in Brazil more generally were, for the most part, regulated by conservative norms, which reduce citizen agency to the private consumption of services provided by professional outside-community experts. In the cases examined in São Caetano do Sul and South Africa, micro-governance programs were regulated by mostly liberal norms, which empowers both citizens and their communities as legitimate and effective means of security. The prevalence of conservative, elitist norms reveals an implicit assumption that the poor don't have the knowledge and capacities to identify and address the sources of insecurity affecting their own lives and communities. The monopolistic tendencies of outside-community partners and especially of the judiciary power strengthen the state's exclusive monopoly of justice by favoring "community-based" approaches to insecurity designed to empower professionals from the justice system working at the community level, rather than actual local residents as the principal agents of justice and as a means of security. By refusing to allow citizens to participate more actively in community programs, conservatives are tacitly acknowledging their disbelief in the relevance of the capacities and knowledge of local residents to identify and address the sources of insecurity that affect their daily existence. Moreover, when community governance programs are mainly operated through salaried outside-community experts rather than local actors, then these initiatives do not promote participatory citizenship but instead create a second-class justice system for the poor.

The research is divided in five chapters. To explain citizen organization in local security networks, it is necessary to understand the context of the misrule of law that prompted their development in the first place, as well as the institutional arrangements with state, international, private, and other social actors that enable

their operationalization. The comparative analysis of local security networks within Brazil and between Brazil and South Africa further points to the importance of norms and ideas as a principal explanatory factor to account for the variegated levels of success —defined in terms of citizen and community empowerment— of similar community programs.

The first chapter discusses methodology. The second chapter provides a critical review of the relevant literature in political science, Latin American studies and criminology, and develops a theoretical framework to study citizen-based security within a political science perspective, focusing on civil society organization, power relations between state and social actors, and the role of norms and ideas. Chapter 3 defines the context of insecurity in Brazil and demonstrates the first research hypothesis. Chapter 4 compares the institutional configurations, resources, and technologies of local security networks in Brazil and South Africa to demonstrate the second research hypothesis. The fifth chapter examines the normative structure of local security networks, and demonstrates the third research hypothesis.

In conclusion, I discuss the role of the state as a factor for both the failure and the success of community programs in Brazil. I argue that “state support” is an abstract construction that, when made concrete and personified in the very real form of a project management team or project coordinator, with quasi unlimited authority over a community program, free to act subjectively according to personal worldviews and biases, has had very different results for local security networks. I further assess the implications of research findings for policy studies in the areas of “human security.” My research provides solid grounds to criticize the human security approach, which fails to take into account the importance of the nature of participation in local governance processes, and erroneously assumes that the poor are inherently more violent and typically resort to criminal means to compensate for the failures of public security. The evidence presented in this study suggests that theoretical thinking about the problem of human insecurity in

urban slums and low income communities in Latin America needs to be refined to understand how different forms of citizen participation in community-based responses to insecurity produce diverse human security results.

Methodology

This mixed methods study is designed to demonstrate the existence of both causal and constitutive relationships between citizen agency on insecurity and micro-governance programs. The dissertation combines two quantitative data sets (an opinion survey conducted with 1000 respondents in Brasilia and a national database on alternative systems of conflict administration) together with qualitative data gathered in the form of personal interviews (and to a lesser extent, analyses of official and internal project literature, and of scholarly publications from project coordinators). Hypotheses are also demonstrated using comparative case-study analyses, ideal-typical construct, and results from two pilot experiments conducted in Brasilia (in the communities of Taguatinga and Ceilandia) and São Caetano do Sul (in the neighborhood of Nova Gerty). Thus, this dissertation is a multi-method study, defined by the new *Journal of Mixed Methods Research* as “research in which the investigator collects and analyzes data, integrates the findings, and draws inferences using both qualitative and quantitative approaches or methods in a single study or program of inquiry.”⁶

The dissertation employs four main data sources to test the three hypotheses about citizen-based security and micro-governance programs:

1. Data derived from a national database on programs of “Access to justice through alternative systems of conflict administration” (Brazil Ministry of Justice, 2005).
2. Data derived from a survey study on “Community Justice, Institutional (Mis)Trust, and Main Causes for Daily Concerns” in two communities in Brasilia (where the 1st pilot project was conducted).
3. Daily interactions and a series of in-depth interviews (formal and informal) with project coordinators, local community actors, and key institutional partners in Brazilian local security networks.

⁶ The *Journal of Mixed Methods Research*. Available on-line at: <http://www.sagepub.com/journal.aspx?pid=11777>

4. The conduct of two pilot project experiments in Brazil (Brasilia and São Caetano do Sul), with support provided by the Brazilian Ministry of Justice, UNDP-Brazil, the IdeasWork organization, the local Tribunals of Justice in Brasilia and São Caetano do Sul, the Military Police of São Paulo, and the Civil Police and Municipal Civil Guard of São Caetano do Sul.

The first two data sources, which were collected as part of two years of fieldwork and research consultancy activities for the Brazilian Ministry of Justice, are linked in a powerful and unique way that provides grounds for causal inference about citizen agency on insecurity and micro-governance programs. The third data source, daily interactions and a set of personal interviews with local, state, and international actors in 4 micro-governance programs, is also unique, as political scientists and scholars of Latin American studies have seldom consulted (and so extensively) with such a diversified array of local, state, and international actors about their own understandings of and strategies for citizen-based security and micro-governance. The fourth data source, from the results of two pilot experiments in the communities of Tagautinga and Ceilandia in Brasilia (Federal district) and Nova Gerty in São Caetano do Sul (São Paulo), and from participant observation in another similar pilot experiment in the favela of Jardim Angela (São Paulo), is also unique, as social scientists rarely have the opportunity to test theories in real-live experiment settings that can be controlled for. Each of the data sources is described in greater detail below and in Fieldwork Appendixes 1 and 2.

To demonstrate the first and second research hypotheses, I employ two data-sets. The first includes the 67 micro-governance projects identified in the national database on programs of “Access to justice through alternative systems of conflict administration” conducted by the Secretariat of Judiciary Reform of the Brazilian Ministry of in 2005. I was invited to participate in the design and creation of this national data-base, which was was published in a government report, where I am

referenced as a principal contributing researcher⁷. The survey was carried out nationwide to identify: The number of micro-governance programs operating in the country; who started them; who funded them; who administrated the programs; who provided the services; what kind of training was required to become a service provider; who trained the service providers; who the target audience was; and who actually used the services. Results will be discussed at length in Chapters 2 and 3.

The second data-base was created as part of my research activities for the two pilot projects. The data-base includes results from an opinion survey⁸ I designed and for which the Brazilian Ministry of Justice generously provided funding for local community agents to carry out with neighbors and community residents in Taguatinga and Ceilandia⁹. The survey comprises a series of multiple-choice questions designed to provide data on: The usual means employed for problem resolution; levels of institutional mistrust in the police and the judiciary power; satisfaction with the quality and usefulness of program services for respondents who had prior exposure to the community program; the principal sources of daily concerns; as well as data on the respondents (gender; age; self-

⁷ *Acesso à Justiça por Sistemas Alternativos de Administração de Conflitos. Mapeamento nacional de programas públicos e não governamentais* Brasília- D.F.: Secretariat of Judiciary Reform - Ministry of Justice of Brazil and United Nations Development Programme).

⁸ For survey questions, see Methodological Appendix 1; For selected survey results, see Statistical Appendix.

⁹ The communities of Taguatinga and Ceilandia present similar socio-economic and demographic characteristics with the community of Nova Gerty in São Caetano do Sul and the neighboring slums where the second pilot project was successfully implemented. Standard chi-square tests determined high levels of statistical significance between specified socio-economic characteristics of survey respondents (most importantly race and social class) and survey results, suggesting that important findings for Brasília can be expected to hold true for São Caetano do Sul and other similar low-income communities. While the survey was also conducted in São Caetano do Sul by community agents with both local residents who had had recourse to community program services as well as with residents who had not, the sample was much smaller (13 respondents) and thus not representative. The survey in Nova Gerty, however, was expanded (see Methodological Appendix 2) with new questions to determine the perceived importance of formal state support for community governance programs for service users, which produced interesting results that will be discussed briefly in conclusion.

attributed socio-economic status; race and ethnicity). The survey was conducted by (40) community agents with 1000 respondents over a period of two months. Community agents were instructed to randomly select adult respondents amongst neighbors and community members (door-to-door, in shopping malls, at church, in public squares, etc) based on the sole criteria of their physical residence (within the territorial boundaries of Taguatinga and Ceilandia). Respondents were instructed by community agents of the confidentiality of their responses, of the strictly scientific purposes of the survey, and of their right to not answer a question or quit responding at any time. Respondents were provided with three alternatives to fill out the questionnaire: 1) Fill out the questionnaire themselves and return it immediately to the community agent; 2) Have the community agent read the survey questions out loud, respond verbally, and let the community agent fill out the questionnaire; 3) If previously acquainted with the community agent, fill out the questionnaire themselves and return it to the agent at an ulterior time. The large sample of respondents includes both community program service users and non-users, and thus ensures control for potential selection biases¹⁰. This methodological rigor is crucial for questions related to institutional (mis)trust and usual means of problem resolution. While it certainly would have been more simple to conduct the survey with community members who had used community program services and provided contact information, there would have been no

¹⁰ Standard Pearson's chi-square tests were used for tabular analyses to determine the level of statistical significance of specified socio-economic characteristics of respondents (e.g., race, class, gender, and age). The chi-square test is based on a comparison of observed cell frequencies with the cell frequencies one would expect if there were no relationship between the variables. The larger the differences between the actual cell frequencies and those expected assuming no relationship, the larger the value of chi-square and the more likely that the relationship exists in the population. If the differences between the observed and expected frequencies are so large as to occur only rarely (5 percent or 1 percent of the time), we can conclude that a relationship does exist in the population at large. In the other words, the relationship we observe in the 1000 sample in Taguatinga and Ceilandia can be generalized to other low-income and/or favelized communities in Brazil where micro-governance programs were implemented. Test results indicate how likely or probable it is that the relationship between two variables observed in the sample might have occurred by chance and might not exist in the population from which the sample was drawn. The lower the probability that the relationship observed between two variables has occurred by chance alone the higher the level of statistical significance.

way to know if the answers were not due to the fact that individuals who have recourse to community program services, because they have recourse to the program in the first place, would be unlikely to resort to crime for problem-resolution, and would be likely to *not* trust the police and the justice system.

Specifically, the first research hypothesis, which postulates that “in the context of the ‘misrule of law,’ residents of low-income communities do not, as the mainstream literature depicts, usually have recourse to private vengeance and security to solve daily problems of insecurity, but more typically to micro-governance programs (where available) and to authorities from the formal justice system (the police, attorneys, and judges), even when they do not trust them,” will be demonstrated with results for survey questions on:

1. Main sources of daily concern (survey question #15¹¹), which corroborates the existence of important public security and justice failures (i. e., theorized context of the ‘misrule of law’);
2. Usual means of conflict resolution (survey questions number 7¹² and 8¹³), which indicates that alternatives to the formal justice system and the police

¹¹ *What do you see as the biggest problem in your community? (more than one choice possible – list according to priorities).* As most respondents did not follow the instruction to prioritize their responses, for clarity purposes, results for the 16 possible choice answers were sub-classified in the following three categories:

1. Delinquency, crime, and violence: a) insecurity and crime; b) drug trafficking and use/ local gangs; l) disrespect and destruction of public property; n) Noise coming from bars and clubs; o) fights and arguments; p) alcoholism

2. Misrule of law: g) police violence; h) lack of police presence; i) lack of access to the formal justice system

3. Local developmental issues / quality of life in the community: c) inappropriate housing/ insufficient private space; d) lack of public green spaces; e) lack of sports centers/entertainment facilities; f) urban decay; j) lack of adequate lighting; k) lack of public transport; m) Lack of basic sanitation (water, sewage).

¹² *If you did not have the possibility to have community justice agents help you resolve your problem/conflict, who would you go to?* For clarity purposes, results for the 7 possible choice answers were sub-classified in the following three categories:

1. Formal justice system: b) the police; c) a public defense attorney; d) a private lawyer; e) a Small Claims Court Judge

2. Private justice: f) take matters into your own hands; g) people from the community (i.e., community leaders, youths from the neighborhood, people from your church, etc.); i) other

3. No action; h) no action

typically involve *lawful* means of conflict resolution in low-income communities;

3. Institutional (mis)trust in the police¹⁴ and the formal justice system¹⁵ (survey questions number 9 and 12), which corroborates the theorized context of the ‘misrule of law’, and further indicates that citizens have recourse to formal authorities to solve conflicts even when they do not trust them.

These survey results are also submitted to the chi-square test to determine the level of statistical significance of race/ethnicity¹⁶, class¹⁷, gender¹⁸, and age¹⁹ for each of the (dependent) variables.

The second research hypothesis, which postulates that “in Brazil, micro-governance programs do not empower citizens as a collectivity—as communities—to identify and implement solutions to shared problems of

¹³ *In general, if you have a problem/conflict, who would you ask to help you resolve the situation?* For clarity purposes, results for the 8 possible choice answers were sub-classified in the following four categories:

1. **Formal justice system:** b) the police; c) a public defense attorney; d) a private lawyer; e) a Small Claims Court Judge
2. **Community justice:** a) community justice agents
3. **Private justice:** f) take matters into your own hands; g) people from the community (i.e., community leaders, youths from the neighborhood, people from your church, etc.); i) other
4. **No action;** h) no action

¹⁴ *Do you trust police officers to protect citizens, provide security, and help you when you have a problem?* For clarity purposes, results for the 4 possible choice answers were sub-classified in the following two categories:

1. **Trust:** a) very much; b) somewhat
2. **Mistrust:** c) not much; d) not at all

¹⁵ *Do you think that every citizen has equal access to the justice system, independently of wealth, race and gender?*

¹⁶ Survey question #17. *What is your race/ethnicity?* For clarity purposes, results for the 5 possible choice answers were sub-classified in the following four categories:

1. **Caucasian:** a) White
2. **Afro-descendants:** b) Black; c) Mixed descent (“Pardo”)
3. **Indigenous;** d) Indigenous
4. **Asian descendants:** e) Asian/Oriental (“Amarelo”)

¹⁷ Survey question #16. *Which social class do you consider yourself to be part of?* For clarity purposes, results for the 6 possible choice answers were sub-classified in the following two categories:

1. **Upper-half:** a) the wealthy ; b) the upper-middle-class; c) the middle-class
2. **Lower-half:** d) the lower middle-class; e) the working class; f) the poor

¹⁸ Survey question #18. *What is your gender?*

¹⁹ Survey question #19. *What is your age group?*

insecurity, but rather enable individuals to solve private problems that cause insecurity within the physical boundaries of their communities, provided with the assistance of professional outside-community experts,” will be demonstrated with comparative results of network components (e.g., technology-base, institutionalization, resources, and normative position) for 93 local security networks within Brazil and between Brazil and South Africa.

Data sources include questions related to program characteristics²⁰ from the national survey of “alternative systems of conflict administration,” which indicate that the majority of micro-governance programs in Brazil rely on professional expertise (rather than local knowledge and capacities) and are highly dependent on government agencies and its staff to operate. Data sources also include the question related to user satisfaction with community program services²¹ from the opinion survey conducted in Brasilia²², which indicates that the majority of respondents who had had recourse to services provided through the community justice program were satisfied with the outcome, providing evidence that the micro-governance program works to empower individuals to solve private problems (provided with the assistance of professional outside-community experts.) Data from the IdeasWork organization on the number of cases successfully solved (with a Plan of Action) in selected (Zwelethemba) pilot sites in South Africa, indicates that these micro-governance programs work to empower both citizens and communities as a means of security. The analysis of (official and internal) annual budget allocations for the Brasilia and Viva Rio projects provide corroborating evidence that such micro-governance programs, common in Brazil, are very costly to operate yet do not benefit community actors in terms of participation opportunities and self-direction as they depend on a

²⁰ For the specific program attributes included in the data-base, refer to Table 5 on “Technologies, Resources, and Institutional Arrangements in 67 Community-Based ‘Systems of Conflict Administration’ in Brazil” (p. 92).

²¹ Survey question #5. *If you used the services of the community justice program, were you satisfied with the outcome?*

²² Survey results are also submitted to the chi-square test to determine the level of statistical significance of socio-economic characteristics of respondents.

panoply of salaried (outside-community) experts to provide community mediation services (and in some cases to facilitate access to formal authorities) to local residents, who, as a result, are only allowed a limited and mainly consumptive form of participation in their community program. Other data sources include information on the four network components of the 25 Zwelethemba pilot projects obtained through in-depth interviews with the South African project coordinators. Interviews and daily interactions with community agents and project coordinators in Brasilia and São Caetano do Sul (through the two pilot experiments discussed further in this chapter), and to a lesser extent with community agents and project coordinators for the Viva Rio project and the Jardim Angela pilot, also provided important qualitative data to demonstrate the research hypothesis. These qualitative and quantitative data sources served to construct an ideal-type of citizen agency, which is further built upon to demonstrate the third research hypothesis.

The third research hypothesis, which postulates that “local security networks have their own normative structure constituted by ideas about the legitimacy of the state’s exclusive monopoly of justice, which determines their institutional configuration, the choice for technology, and resource distribution within the network. In Brazil, conservative norms pervade institutional cultures and have translated into a programmatic bias in the form of credentialism that undermines both citizen and community agency in local security networks,” will be demonstrated building on findings for hypotheses one and two, and based on results from the two pilot experiments and from interviews and daily interactions with the local and international actors discussed above. This research hypothesis does not seek to establish causality but to situate the causal relationships observed (with hypotheses 1 and 2) within their ideational contexts, which shows the existence of a constitutive relationship between the extent of individual and collective citizen agency in local security networks and the normative positions (on the state’s monopoly of justice) of bureaucratic actors within the network.

It should be emphasized that this research follows Weber in the German *verstehen*²³ tradition, which focuses on the *participatory* and *subjective* role of social scientists. As a participant observer of Brazilian local security networks, my role implied “conscious and systematic sharing, insofar as circumstances permit, in the life activities, and on occasion, in the interests and effects of a group of persons” (Nachmias and Nachmias, 2000), which meant, in the context of this study, that I observed and participated in the daily activities of the community agents and of the Bureaucratic partners involved in four local security networks: The favela of Jardim Angela in São Paulo; the satellite-cities of Taguatinga and Ceilandia in Brasilia; the neighborhood of Nova Gerty in São Caetano do Sul/São Paulo; and to a lesser extent, the favelas of Leme and Rocinha in Rio de Janeiro.

Due to logistical and financial constraints, it was impossible to do in-depth case-study analyses for the 11 local security networks²⁴ in Brazil that rely on local residents to provide services to community members. I was, however, able to do a comparative study of the two projects coordinated by judges (e.g., Community Justice Project in Brasilia and the Restorative and Community Justice Project in São Caetano do Sul), and, to a lesser extent, of two projects coordinated by social actors (e.g. Viva Rio Project implemented by the Balcão de Direito NGO in Rio de Janeiro and the Jardim Angela pilot implemented through the Center for the Study of Violence), which were all further compared to the original Zwelethemba experiments in South Africa.

These case-studies constitute an interesting and diversified sample of local security networks: They operate with different resources and technologies and are regulated by different institutional configurations and mentalities. The networks

²³“*Verstehen*” is the German term employed for “empathy,” in the sense of “understanding.”

²⁴ These 11 local security networks were identified in the national survey on “Access to Justice through Alternative Systems of Conflict Administration” conducted by the Brazilian Ministry of Justice in 2005.

are also located in different areas of the country and, while they all operate in highly urbanized and underprivileged areas, they operate within very different city cultures: São Paulo is a megapolis and the financial capital; Rio de Janeiro is the cultural heart of Brazil and the capital of carnival; Brasília is the administrative capital and the center for power politics. Moreover, these local security networks were implemented and are administrated through institutional partnerships with both common and diversified outside-community actors. While they share common basic programmatic objectives, the networks operate according to different principles and procedures based on variegated institutional configurations and ideational premises.

Without the experienced knowledge of “the persons involved, their values, rituals, symbols, beliefs, and emotions” in these local security networks (Nachmias and Nachmias, 2000), it would be difficult to appreciate the complexity of the relationship between citizen agency and participation in micro-governance programs, on the one hand, and, on the other, to grasp the significance of norms and ideas about who can have agency on justice for local security networks.

Ethnographic studies require fieldwork and traditional qualitative methods of data collection. As Reinharz (1992: 46, c.f. Babbie and Benaquisto, 2002: 308) explains, “contemporary ethnography or fieldwork is multimethod research. It usually includes observation, participation, archival analysis, and interviewing.” Ethnography involves interactions with live human research subjects²⁵ and requires researchers to “put themselves in the place of the subject of inquiry...[to] grasp both the historical dimension of human behavior and the subjective aspects

²⁵ For which I was issued an Ethics Certificate, following permission granted by the Ethics Committee of the Faculty of Arts and Sciences of Université de Montréal (CERFAS - Comité d'éthique de la recherche de la Faculté des arts et des sciences). This research strictly adheres to the ethical norms and procedures stipulated by the Tri-Council (Social Sciences and Humanities Research Council of Canada, the Medical Research Council of Canada, and the Natural Sciences and Engineering Research Council of Canada) and by CERFAS for research involving live human subjects.

of human experience.” (Nachmias and Nachmias, 2000). This study places the analytical focus on the worldviews of the individuals observed/interviewed and seeks to uncover how they make sense of their experiences, which presupposes the recognition that reality is socially constructed (Babbie and Benaquisto, 2002: 307) and thus warrants the choice to emphasize the role of norms and ideas²⁶.

Norms can be defined as the “broad class of prescriptive statements —rules, standards, principles, and so forth— both procedural and substantive [that are] prescriptions for action in situations of choice, carrying a sense of obligation, a sense that they *ought* to be followed” (Chayes and Chayes, 1994: 65, c.f. Hurrell, 2001: 143). Hurrell’s (2001) review of “Norms and Ethics in International Relations” provides a most insightful conceptual frame to understand how norms influence political outcomes:

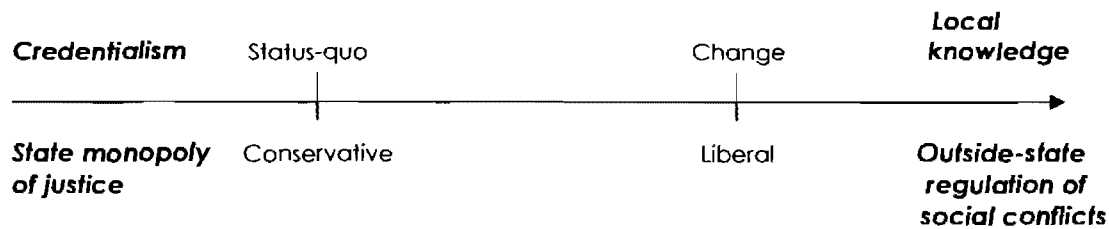
“[Norms] play a number of fundamental roles. They may well serve as regulatory rules designed to constrain choices and/or parameters within which individual agents pursue their own preferences. But the critical point is that they do far more than this. In the first place, they help explain how actors are constituted. [...] Second, they help us make sense of the identity of actors and hence of the sources of their preferences. [...] And third, norms do not simply constrain but also enable and empower action.” (pp.142-143)

As this study will demonstrate empirically with results from two pilot experiments, the latter point is especially relevant to understand and explain the contradictory effects of state support for community-based governance initiatives in Brazil. After two years of field research involving extensive interactions with the project coordination team and institutional partners of the local security

²⁶ In political science, constructivists have made a similar claim and focus on the role of norms and ideas in the construction of international life. See, for example, Pettman (2001), who employs what he calls “a constructivist approach based on common sense” to demonstrate that it is the way in which ordinary people perceive international relations that structure international relations and the institutions of the international system.

networks examined in this study, I identified different ideational trends in local security networks, schematized below in Figure 1.

Figure 1. Ideational spectrum of Justice regulation



As illustrated above, bureaucratic actors in local security networks can be ideationally positioned based on their conception of the state's exclusive monopoly of justice. Specifically, conservative and liberal normative positions were determined according to the position of the institutional actor towards change and challenges to the state's traditional monopoly of justice, based on the level of credentialization required for participation and the extent of citizen agency each of their programs enables, as well as on public statements, published material, interview results, and professional communications with individual project coordinators. As will be demonstrated further in Chapter 4, normative positions are important for community programs because they influence the three other components identified by Shearing *et al.* (e.g., institutional structure, technology, resources) constituting the local security network. First, normative positions influence the choice for *technology*, or the knowledge-base employed for daily operations in the community program (e.g. traditional professional knowledge vs. local knowledge). Second, normative positions influence the allocation of *resources*, or the distribution of financial resources for daily program operations (e.g. relative budget allocations for bureaucratic vs. community actors). Third, normative positions influence the *institutional configuration* of community program, or the distribution of participatory and decision-making opportunities between bureaucratic and community actors within the local security network.

(i.e., a heavy vs. light bureaucracy determines who can participate in daily program activities and how).

As discussed briefly in the introduction, on one end of the ideational spectrum, *conservatives* are in favor of the status-quo and characterized by their opposition to change. Conservatives seek to preserve, albeit to different extents, some form of state monopoly over justice. Conservatives believe that social conflicts should be arbitrated by state authorities through formal state institutions (i.e., the police and courts), or at minimum in close collaboration with formal authorities and experts. Conservatives do not believe that communities have the basic knowledge and capacities to govern local security issues—that is, to solve daily problems and conflicts that affect quality of life in their homes and communities themselves—nor that they should be entrusted as a means of security.

More “liberal” conservatives may be open-minded to some degree of change and denounce the state’s exclusive monopoly of justice. They believe communities can have a role to play in the local governance of justice and security, but that local actors require continuous assistance and monitoring from professionals from the justice system to carry out their program activities within the community.

Situated at the opposite end of the ideational spectrum, *liberals* are favorable to progress and reform. Liberals are principally defined by their opposition to the status-quo and their open-mindedness to change regarding the regulation of social conflicts outside traditional state institutions. Challenging the traditional state monopoly of justice, liberals believe that social conflicts can be arbitrated efficiently outside the formal state channels within a lawful, regulated framework of action in low-income communities where public security is failing and access to the justice system is limited. Liberals seek to empower citizens *and* communities with as much agency as possible to address the causes of conflicts

that cause daily insecurity before they have spillover effects. Citizen agency is created by providing communities with tools (e.g. knowledge to identify the context-specific and root causes of insecurity, and technology to prioritize community needs and carry out peace-building activities) as well as a basic infrastructure (e.g., the formal establishment of citizen committees who are provided with minimal funding for peace-making and peace-building activities) to mediate conflicts at the community level.

More “conservative” liberals may also keep a close institutional relationship with the community projects they support. Unlike conservatives, however, liberals do not believe local actors require continuous monitoring and assistance from its own, outside-community professional staff and maintain instead synergetic (as opposed to vertical) ties with the community project they support through case-forwarding mechanisms and regular meetings and follow-ups with the community agents.

The case-study on the pilot project in Brasilia will illustrate that the prevalence of conservative norms on the state’s monopoly of justice amongst bureaucratic actors at the local tribunal of justice results in the “de-communityzation” of the community program as the bulk of services remain administrated and provided through professional (outside-community) staff members from the tribunal of justice. In stark contrast, the case-study on the pilot project in São Caetano do Sul will show that the prevalence of liberal norms on the state’s monopoly of justice amongst bureaucratic actors in the local tribunal of justice results in a truly community-based governance program, operated mainly through community residents.

Explaining and understanding citizen-based responses to insecurity, on the one hand, and the paradox of “community governance from above,” on the other, requires basic knowledge of Brazilians “acting in the natural course of their daily lives” (Babbie and Benaquisto, 2002), which entailed participant observation in 6

communities where mediation programs operated²⁷, but as importantly for the purpose of this study, within their broader bureaucratic environment²⁸. As will be demonstrated, local security networks are constituted not only by community actors, but also by a panoply of outside-community partners (e.g. a “bureaucracy²⁹”) who provide the necessary institutional infrastructure, technology, and resources for community programs to operate on a daily basis.

The web of outside-community public and private partners in local security networks is constituted by the autonomous bureaucracies³⁰ of state authorities, international organizations, academic institutions, local associations, NGOs, and private corporations. In the case-studies examined in Brazil, the bureaucracy of local security networks was constituted mainly through an array of partnerships involving the following institutional partners³¹:

²⁷ For a detailed time frame and description of fieldwork activities in the communities investigated, see Fieldwork Appendix I,

²⁸ The particular characteristics of the Bureaucratic context will be discussed at length in Chapters 3 and 4.

²⁹ It is noteworthy that Weber was one of the first social scientists to take interest in the bureaucracy, which he defines broadly as a (legitimate) form of legal domination. He started the scholarly debate in his pioneering work on “the Bureaucracy” in *Economy and Society*. In this study, he employs ideal-typical methodology to demonstrate that “rule by office” (e.g. bureaucracy) is more efficient and rational than more traditional and charismatic forms of domination legitimized in previous historical periods²⁹ because it is based on a rule of law that is legitimized both by the moral values upon which it was edified and by the procedures through which they were institutionalized (e.g. codified into law).

³⁰ The term “bureaucracy” was coined by Frenchmen in the 18th century and literally means “office rule” (the place of office, or workplace, is commonly referred to as “bureau” in French), or the rule conducted from an office through daily routinized administrative activities such as documentation, record-keeping, and communications. In the most generic sense, bureaucracies are hierarchical organizations operated according to standardized procedures by salaried staff. They are administrative systems designed to divide and execute labor, on the one hand, and to enforce legal rules, on the other. Specifically, according to Weber (c.f. Watson, 1980), bureaucracies are fundamentally characterized by the continuous conduct of official business based on written documents, according to strictly (pre)defined rules, and following a hierarchical division of labor and responsibilities that ensures the accountability of the professional salaried staff (i.e., bureaucrats) and the separation of official and private business and income.

³¹ To identify the relevant actors in the local security networks examined as part of this study, I employed the “positional approach” traditionally used in structural analysis (Lemieux and Ouimet, 2004). Concretely, this involved *selecting relevant actors based*

1. The judiciary power: the Federal District and Territories Tribunal of Justice in Brasília and the São Paulo Tribunal of Justice in São Caetano do Sul;
2. The executive power: the Ministry of Justice's Secretariat of Judiciary Reform, Special Secretariat for Human Rights, and National Secretariat for Public Security;
3. Law enforcement agencies: the Municipal Civil Guard, the Military Police, and the Civil Police;
4. International organizations: the United Nations Development Programme for Brazil;
5. Academic institutions: the IdeasWork organization and the Center for the Study of Violence (University of São Paulo);
6. Non-governmental organizations (NGOs): The Balcão de Direitos' Viva Rio organization in Rio de Janeiro

These research findings are based on two years of fieldwork in the country, where I used participant observation to collect data on: The nature of citizen and community participation in local governance programs with a justice and security focus; the role of outside-community partners —of “the bureaucracy”— in undermining or promoting micro-governance programs and citizen-based security; and the prevalent norms and ideas about the state's monopoly of justice within the local security networks.

Working from within governmental and academic institutions not only enabled me to secure access to local residents and community agents in neighborhoods with community programs, but further enabled me to investigate the customs and beliefs of the institutional actors responsible for the community programs examined. First, the time I spent as a researcher affiliated to the Center for the Study of Violence in São Paulo enabled me to know the community, the community agents, and the community residents in the favela of Jardim Angela, as well as to understand the impact of academic (mis)management for community governance programs. Second, provided with the institutional support the Brazilian Ministry of Justice and the IdeasWork academic organization, I was

on their status and their function within the (local security) network. This was accomplished mainly through participant observation in the community case-studies and through interviews with project coordinators and local service providers.

able to become well-acquainted with the communities, the community agents, and the community residents in Taguatinga and Ceilandia (Brasilia, D.F.), in Nova Gerty (São Caetano do Sul, S.P.), and to a lesser extent in the favelas of Rocinha and Leme (Rio de Janeiro). These institutional linkages further enabled me to observe how government agencies from both the executive and judiciary powers, as well as non-governmental and international organizations, support policies to promote micro-governance initiatives at the same time as they invest in highly credentialized community programs that undermine citizen and community agency.

Pilot Projects

My affiliation to the Brazilian Ministry of Justice enabled me to secure institutional support and funding for two community pilot projects I co-designed with professor Clifford Shearing, which provided an actual, real-live experiment setting that could be controlled for —a luxury afforded to few social science studies. Indeed, as King, Keohane and Verba (1994: 21-22) aptly point out, pilot projects are “very useful, especially in research where data must be gathered by interviewing or other particularly costly means. Preliminary data-gathering may lead us to alter the research questions or modify the theory. Then new data can be gathered to test the new theory, and the problem of using the same data to generate and test a theory can be avoided.”

Based on best practices from the Zwelethemba experiments in South Africa and on what had been learned on the reasons for its failure in Jardim Angela³², professor Shearing and I conceptualized a flexible and minimalist Zwelethemba-inspired model of community governance that could be fused at minimal cost to preexisting state-supported community programs of conflict mediation. The fusion-model was implemented in two preexisting state-sponsored community

³² Explanatory factors for the failure of this first Zwelethemba pilot experiment in Brazil will be discussed in Chapter 4.

justice projects coordinated by two judges: the Community Justice Project in Taguatinga and Ceilandia (Brasilia), and the Restorative Justice Project in São Caetano do Sul (São Paulo), which was renamed Restorative and Community Justice project in 2006 after the fusion was successfully operationalized.

The South African Zwelethemba Model of Conflict Resolution and Community Development

The Zwelethemba model was developed through trial and error in South Africa by professor Clifford Shearing, and is inspired from a successful policing strategy he helped design during the transition to democracy in South Africa. Based on the idea that there is no one better fit than demonstrators themselves to police demonstrators, the massive protests at the end of the Apartheid regime were carried out mostly peacefully with limited incidence of violence through an innovative strategy that employed locals —themselves part of the protests— rather than private security guards and police officers associated to the old repressive regime to police demonstrators and ensure the peaceful conduct of protests.

The strategy proved remarkably efficient, and professor Shearing, who had been a member of the advisory Commission³³ responsible for the initiative, was shortly after commissioned by the new Ministry of Justice to push the experiment further and apply these principles to conflict mediation in townships notorious for their high levels of crime and violence. The first pilot experience in 1998 was conducted in the community of Zwelethemba (“place of hope” in the Xhosa language), and following its demonstrated success, the model was subsequently implemented and has been running for almost a decade in over thirty underprivileged communities in South Africa and five other countries³⁴. The Zwelethemba model traveled from the townships of South Africa to the shanty-

³³ For a detailed account of the innovative policing strategy, see Goldstone (1993) and Heymann (1992).

³⁴ See Froestad and Shearing (2005); Cartwright and Jenneker (2005); Shearing and Wood (2004); Wood and Font (2003); Shearing (2001a and 2001b).

towns of Argentina, to rural Uganda and Australia, to working class and favelized communities in Brazil and more recently, to low-income areas in Canada.

The Zwelethemba model of conflict resolution and community development functions formally according to principles of nodal governance, based on the belief in the superiority of decentralized governance and the “added value” of local knowledge for problem resolution. The Zwelethemba community projects mobilize and organize the capacities of local residents to empower citizens *and* communities to address daily sources of insecurity through conflict mediation in low-income residential areas where public security is failing.

While the development of an international network of “Zwelethemba-inspired” micro-governance programs is undoubtedly the work of academics, researchers did not “invent” the Zwelethemba model. The Zwelethemba model was developed organically through trial and error by the residents of the Zwelethemba community. The word spread to other townships, who requested a program be implemented in their own community, and so on, until word got to the ears of Scandinavian international aid agencies, who thought the idea was quite clever and decided to invest in longer-term strategies to support and disseminate the Zwelethemba model as a best-practice in citizen-based security and community governance.

The role of researchers working on the Zwelethemba experiments has been to develop methods and mechanisms that most effectively mobilize local resources— that is, local knowledge and capacities— to enable residents of low-income communities where public security is failing to act as individuals and communities on the daily sources of insecurity. As Shearing *et al.* (2005) explain, “residents in Zwelethemba had as a group the capacity to govern security and development in the collectivity but lacked a node in which this diffused capacity could be coordinated and mobilized. The [Zwelethemba] intervention was

designed to respond to this governance deficit by facilitating the creation of these nodal arrangements.”

In 2006, the Zwelethemba model of conflict resolution and community development was formally recognized by the South African Ministry of Justice as a best practice in Alternative Dispute Resolution (ADR). ADR “describes a number of methods used to resolve disputes out of court, including negotiation, conciliation, mediation and the many types of arbitration [...] The common denominator of all ADR methods is that they are faster, less formalistic, cheaper and often less adversarial than a court trial” (Nolo, 2006)²⁰.

What fundamentally distinguishes the Zwelethemba model from most ADR models, however, is that the former operates based on local knowledge and capacities, while ADR does not necessarily involve local citizen participation beyond service “consumption” and usually relies on university-trained experts to provide mediation services, not necessarily free of charge.

Moreover, the Zwelethemba model, unlike more traditional ADR and the vast majority of these ADR community programs in Brazil, functions within a non-hierarchical and non-retributive culture of justice. As opposed to ADR practitioners, who tend to reproduce the structure of the justice system (e.g., a plaintiff, a defendant, and a third party to arbitrate the dispute), Peace Committees members (e.g., the local community agents who provide program services²¹) do not usually work with the traditional offender/victim dichotomy.

²⁰ In Brazil, Law 9.307/96 (“Mediation Law”) and Decree 2.411/97 regulate ADR mechanisms, but there is no specific institution responsible for the overall regulation of ADR: “Any person over twenty one years old, who is trusted by the parties involved, may serve as a mediator/arbitrator” (World Bank, 2006).

²¹ While in South Africa all local service providers are referred to as “Peace Committee members,” the nomenclature varies from one project to the other in Brazil. For example, in Brasilia, local service providers are referred to as “community justice agents.” In São Caetano do Sul, they are called “justice facilitators,” and “agents of citizenship” in Rio de Janeiro.

Instead, Peace Committees conceptualize conflict as a dynamic process with different “parties” involved. The role of Peace Committee members—who do not work as individuals but rather in small teams—is to constitute neutral “parties” to help disputants come together to discuss and solve the root causes of a specific problem, and to identify and engage relevant community and family members to participate in the conflict resolution process.

Peace Committees facilitate rather than impose the reaching of a mutually satisfactory solution. The aim is to “repair” harms and resolve immediate problems so that they will not re-occur rather than attributing blame and responsibility for past actions on which there is no agency, which is consistent with a future-oriented conception of justice.

In everyday practice, the Zwelethemba model of conflict resolution and community development comprises two fundamental dimensions to regulate justice and security at the community level: Peacemaking³⁵ and Peacebuilding.

Peacemaking activities are carried out by Peace Committee members in teams of usually 3-6 individuals and consist in conflict mediation. Peace Committees operate according to a “Code of Good Practice³⁶.” Their role is *not* to solve the problems presented to them themselves, but rather to arrange a meeting

³⁵ For a detailed description of the 19 steps of the Peacemaking process (dispute-resolution methodology) in the Zwelethemba projects in South Africa, which the São Caetano model also broadly follows, refer to Fieldwork Appendix 2.

³⁶ The Code of Good Practice, which is also followed by the community agents in São Caetano, includes the following 10 principles (IdeasWork, 2005):

- 1) *We help to create a safe and secure environment in our community;*
- 2) *We respect the Constitution;*
- 3) *We work within the law;*
- 4) *We do not use force or violence;*
- 5) *We do not take sides in disputes;*
- 6) *We work in the community as a co-operative team, not as individuals;*
- 7) *We follow procedures which are open for the community to see;*
- 8) *We do not gossip about our work or about other people;*
- 9) *We are committed in what we do;*
- 10) *Our aim is to heal, not to hurt.*

and to facilitate the discussion so that the disputants can find a solution. Peace Committee members are also trained to identify the right people to invite to the gatherings whose participation is likely to help solve the dispute. These third parties, who I call “active citizen-bystanders,” are people who were either directly or indirectly affected by the conflict, and/or who can help find a mutually satisfactory agreement (e.g., neighbors, family members, friends, co-workers, etc.) by participating in the mediation process.

For each conflict they mediate, regardless of the number of gatherings required, but not pending on the actual “resolution” of the conflict, Peace Committees receive a small payment (for example, 10\$) they divide amongst themselves, that is, according to the number of members who participated at all the gatherings for this conflict. Peace Committees fill out basic standardized forms for each (of the 19) steps of the conflict mediation process to ensure that the basic rules and procedures of Peacemaking are followed, and to gather data on the conflict resolution process (participants, nature of problem, plan of action, etc.).

Peacemaking is an important part of Peace Committees’ activities, but it does not constitute the only means through which citizens exert direct agency on sources of injustice and insecurity. The peace-building dimension of the Zwelethemba model further enables local residents to actively participate in community development³⁷.

Peace-building activities are financed by a community fund (itself funded by international partners) and are administrated by Peace Committees, but not carried out by them. The peace-building fund is used to address the root causes— social

³⁷ While it is true that the Zwelethemba model of conflict resolution and community development constitutes an integrated approach to insecurity designed to enable citizens to solve daily conflicts as well as to address their origins rooted in social injustices, and that some critics have expressed skepticism regarding the likelihood of success of peacemaking activities in the absence of the peace-building dimension of the model, the success of the São Caetano project, of which the activities remain limited to conflict mediation, indicates the model works even in the absence of a peace-building community fund.

and economic— of daily problems in the community, to avoid their occurrence in the first place. Dealing with local conflicts on a regular basis, Peace Committees identify a pattern of common social and economic problems stemming from poverty that cause daily problems within families, amongst neighbors, and at school, such as unemployment and under-employment, youth idleness, lack of basic infrastructures, urban decay (e.g., lack of electricity and adequate street lighting, graffiti, lack of parks and diversion areas, etc.). These problems can be prioritized and addressed with resources from the community fund. The Zwelethemba model provides simple procedures for Peace Committees to determine what are the most urgent security priorities and thus how and where to spend the money.

The only rule the Peace Committees must abide to (and local academic partners ensure the rule has been respected before issuing the funds) is that funds must be spent entirely in the community where the project operates. For example, if the Peace Committee decides to create a local soccer team, then the uniform and all the sports equipment must be bought and/or fabricated in local formal and informal businesses. The objectives of the peace-building fund are both practical and theoretical. It serves not only to create work locally, but to improve the quality of life by addressing the social and economic causes of insecurity *before* they create insecurity. In some cases, the community fund may also be used to resolve specific disputes between neighbors, for example, by investing in the construction of a fence between 2 habitations.

The operating concept for the peace-building fund is relatively simple: For every “10\$” received by Peace Committees for their Peacemaking activities, the same amount is donated by an outside-community partner to a community fund that is managed by the Peace Committees collectively and accountably. While Peace Committees retain all the decision-making power regarding the administration and spending of the community fund, the fund remains physically hosted within academic institutions to avoid corruption problems. Academic

partners are responsible for all the financial issues: They apply for grants, administrate the funds, and distribute payments to Peace Committees and for peace-building activities.

The tools and procedures of Peacemaking and Peace-building which comprise the Zwelethemba model of conflict resolution and community development were copyrighted and belong to Clifford Shearing's IdeasWork organization. The registration of intellectual property rights is not intended for profit purposes —the Zwelethemba model was never 'for sale' and IdeasWork is a virtual network of scholars— but rather to work as a safeguard against potential abuses and misuses of the technology, as unfortunately happened with the first pilot experiment in Jardim Angela.

The Zwelethemba experiments in Brazil

In the case of Brasilia, the Zwelethemba-inspired fusion-model was developed building on pre-existing linkages with the judiciary power through the local tribunal of justice, as well as on lessons learned from the failed Zwelethemba experiment in Jardim Angela, which like the original Zwelethemba model in South Africa lacked these institutionalized linkages to the justice system. In São Caetano, we refined the fusion-model based on lessons learned from the two prior failures to operationalize a Zwelethemba-inspired community program in Jardim Angela and Brasilia. The fusion-model implemented in São Caetano also built on preexisting linkages to the local tribunal of justice, but further strengthened and widened the scope of collaboration with the state by developing new partnerships with the police as well as institutionalized mechanisms enabling the forwarding of cases between the tribunal, the police, and the community program.

The Brasilia and São Caetano do Sul projects were selected, first and foremost, because both judges, having heard of the Zwelethemba model, expressed interest in integrating some of its basic tools and principles into the

daily operational structure of their respective projects. The projects were also chosen for pragmatic reasons. The project in Brasilia, coordinated through the Federal District and Territories Tribunal of Justice (in collaboration mainly with the Ministry of Justice's Special Secretariat of Human Rights), was chosen because of its pre-existing institutional structure established in 2000, and because of its physical proximity to the Secretariat of Judiciary Reform and UNDP offices (who provided funding for the fusion). In a nutshell, the original, pre-fusion project was designed to provide conflict mediation services and promote rights awareness in two large neighboring, low-income and partly favelized communities (Taguatinga and Ceilandia) located on the outskirts of Brasilia, far outside the main "pilot plan," where the city of Brasilia is concentrated. This micro-governance project operated daily through a complex (and costly) Bureaucracy involving psychologists, lawyers (and law interns from the pilot plan), as well as social workers, who provided expertise and daily assistance to local community agents, who in turn transferred the expert advice back to the community for *each* case received from the community.

The Restorative Justice Project in São Caetano do Sul, coordinated through the São Paulo Tribunal of Justice, was selected because of its linkages with the Secretariat of Judiciary Reform and UNDP-Brazil, who funded the implementation of the pilot project in 2004³⁸. The project was also selected to expand its scope of action to enable community mediation for the adult population. Before its fusion with the Zwelethemba model, the project in São Caetano operated exclusively with juvenile offenders brought to Justice after encounters with the police, and was designed to empower adolescents to solve conflicts within their school environment rather than court. The cases, after

³⁸It should also be noted that the project in São Caetano, which was implemented in May-June 2006 with funding provided by the Secretariat of Judiciary Reform and UNDP-Brazil and technology provided by IdeasWork, was vouched for by the author as a solid basis for a pilot experiment after having ensured, through extensive consultation with the judge coordinator, the prevalence of at liberal norms to regulate daily operational activities. This additional criteria of selection was added to safeguard the community project from a hostile Bureaucratic takeover, as unfortunately happened with the pilot experiment in Brasilia.

arriving in the judge coordinator's court, were selected based on two criteria: 1) the disputants have to recognize the occurrence of the event; 2) the disputants have to agree to attempt to solve their problem out of court, in a restorative circle at school, with the presence of other youths from the school who acted as (trained) conflict mediators, family members, and a social worker from the Tribunal. The encounters are focused on feelings, needs, and responsibility, as opposed to blame, shame, and retribution. The purpose of the circles is to find a solution satisfactory to all the parties, which is expected to ensure that the conflict will not re-occur in the future (the relationship between justice and (in)security will be discussed further in the next chapter).

Beyond practical concerns, the two projects were chosen for the two pilot experiments because in their pre-fusion form, both community initiatives lacked: 1) a strong community development element (community agents acted as individuals, not as a team); 2) investments in the communities; 3) a clearly defined and functional model of conflict resolution; 4) a wider scope of action (including criminal matters); and 5) self-sustainability (both projects faced daily bankruptcy). The two judges responsible for the projects at the time believed that adopting the fusion version of the Zwelethemba model would be able to fix these problems at once.

The fusion-model was to be operationalized in five basic steps³⁹. To begin, it would involve the transfer of Zwelethemba technology (e.g. knowledge and standardized forms for mediation and peace-building activities) through training workshops for community agents, judiciary staff and police personnel

³⁹ For a detailed description of the procedures and steps involved in the fusion-project in Brasília, which further served as the blueprint for the pilot experiment in São Caetano do Sul, see Fieldwork Appendix 2. In the case of the pilot in São Caetano do Sul, the fusion involved the creation of an entirely new project for adults and as such did not require adaptation to existing operational procedures. Rather, the fusion entailed combining Zwelethemba tools and methodology with the principles and case-forwarding structure of restorative justice (as operationalized for youth offenders), in a new synergetic model that enabled the forwarding of cases between the community, the community project, local authorities, and civil associations.

administered by experts from South Africa and Canada. Second, it would involve the development of new institutional partnerships between local and international partners, as well as the establishment of new mechanisms of case-forwarding between community members, the community program, and local state agencies (e.g, the tribunal of justice, the Military Police, the Civil Police, and the Municipal Civil Guard). At the same time, it would involve active dissemination of the fusion-models both within the communities where they were implemented through various advertising strategies involving local associations and businesses, and within the wider Bureaucratic community with conference presentations, scholarly publications, and media exposure. Fourth, it would involve the gradual expansion of mediation services: the scope of action would be expanded to deal not only with civil matters but also with cases of criminal nature. Finally, the fusion would involve the institutionalization of new channels to enable the creation and financing of a community fund for local peace-building activities that would be carried out by the program's community agents.

The pilot experiment in Brasilia was a failure, and only the first step of the fusion was operationalized with the transfer of Zwelethemba technology in October 2005, which ultimately was *not* integrated in daily operational activities. In São Caetano do Sul, on the other hand, the first four steps of the fusion project were fully implemented, and, despite serious financial problems (i.e., lack of funding), the project has been yielding most promising results since its implementation in May-June 2006. As will be argued in Chapter 4, the pilot project in São Caetano represents one of the few (if not only) victories of the community interests over the bureaucracy's in Brazilian local security networks.

The starkly opposite results for the pilot experiments in Brasilia and São Caetano, which were both developed in close collaboration with judges, under similar conditions, with a number of common partners, point to the relevance of norms to explain why similar micro-governance models promote self-direction and others favor dependence on the Bureaucracy. Results for the two pilot

experiments will be discussed at length in the fourth chapter, which identifies opposing norms and ideas about who can have agency on justice (and how) as the principal explanatory factor to account for the variegated results, which are measured and compared in terms of the relative capacity of each local security network to utilize local capacities to enable both individual and collective citizen agency on daily sources of insecurity. To make sure I got it right, however, and that the variations observed were not caused by something else, such as geography or history, I further compared the results of the two pilot projects in Brazil with results for similar Zwelethemba-inspired projects in South Africa, which yielded not only variegated patterns of individual and community agency, but also, interestingly, different collaborative partnerships with police agencies and local tribunals.

Brazil and South Africa provide especially fertile grounds for comparison as both democratizing countries are currently experiencing similar challenges in terms of security despite very different historical legacies. In both cases, citizens at the bottom of the social ladder tend to be darker and ghettoized in densely populated underprivileged urban communities and slums (“favelas” in Brazil and “townships” in South Africa) with endemic levels of crime and violence. In both countries, public security is failing in these areas and criminal organizations are able to dictate a parallel rule of law, at the same time as access to the formal institutions of the justice system for lower-income citizens remains limited by a number of factors that will be discussed in the next two chapters.

It should be emphasized, however, that the purpose of this dissertation is to study citizen-based security in Brazil, not to do a comparative study of citizen-based security in Brazil and South Africa. The comparative analysis concerns the three case-studies in Brazil, as well as the 67 community programs identified in the national mapping on “alternative systems of conflict resolution,” which are further compared with the Zwelethemba model in South Africa for verification

purposes. I employ Weberian methodology and build on these comparative findings to develop an ideal-typical model of citizen agency.

Ideal-Type

The Zwelethemba model of conflict resolution and community development is especially interesting for research purposes as it is not only well documented⁴⁰, but more importantly, because the experiments which led to its “invention” were guided by sound theoretical precepts of “nodal governance,” which will be discussed at length in the theoretical chapter.

The Zwelethemba experiments constitute a tried and tested model of micro-governance that enables citizens and communities to exert direct agency on insecurity: In 98% of the cases⁴¹ examined in South Africa, disputants were able to solve their conflict lawfully and peacefully, and committed to a “Plan of Action” to ensure the problem would not re-occur in the future (IdeasWork, 2007). The Zwelethemba model successfully mobilizes and organizes actors from civil society (Peace Committee members and community members), epistemic communities (the IdeasWork organization), state institutions (the South African Ministry of Justice and the South African Police), and foreign governments (the Finnish embassy in South Africa) into a power-sharing network that works to regulate a specific issue area (e.g. security) at the local level in underprivileged communities where public security is failing. The Zwelethemba pilot experiments thus provided an ideal basis to construct the ideal-type of citizen agency.

⁴⁰ See, for example, Dupont (2006, 2004); Wood and Dupont (2006); Wood and Marks (2006); Daniëls (2006); Cartwright and Jenneker (2006, 2005); Burris, Drahos and Shearing (2005); Froestad and Shearing (2005); Shearing and Johnston (2005); Shearing and Wood (2004); Wood (2004); Wood and Font (2003); Dupont, Grabosky and Shearing (2003); Johnston and Shearing (2002); Shearing (2001a, 2001b).

⁴¹ Sample of 12 448 cases, of which: 29% were related to money lending; 8% to assault ; 27% to property offences; 16% to neighbourhood disputes; 13% to domestic violence; 6% to drunkenness; and 1% to rape (IdeasWork, 2007).

In Chapter 4, I further build on the model to demonstrate the existence of a constitutive relationship between ideas about who can have agency on justice (and how), the relative power of the Bureaucracy within the local security network, and citizen agency through micro-governance.

The comparative analysis of the institutional arrangements regulating local security networks reveals their power structures, and allows us to examine the role of citizens as *individuals* and as *communities* in the local governance of security. As the diversified results for Brazil and South Africa indicate, in Brazil community governance programs enable citizens to exert a mostly consumptive form of agency, and empower *individual* citizens “as a means of security,” not so much *communities*.

Comparative results within Brazil further indicate that, contrarily to the Zwelethemba experiments in South Africa, in the vast majority of cases in Brazil community governance programs have asymmetrical, vertical power relationships between actors that benefit outside-community actors and undermine citizen and community agency. Comparative analysis enables the identification of specific factors and general conditions that enable self-determination in the application of conflict resolution models. While the Zwelethemba model helps understand what contributes to the success of the initiative, the experiments in Brazil can allow us to verify if the presence or absence of given factors (e.g., support from police and judiciary institutions, NGOs and civil associations, international agencies, foreign governments, and the private sector; level of community mobilization; prevalence of liberal norms on the regulation of justice; extent of outside-community partners’ involvement; etc.) promotes or undermines the community project.

Based on these comparative results, I identify six forms of citizen agency, which will be discussed further in Chapter 3: 1) Citizen-consumer; 2) Citizen-facilitator; 3) Active citizen-bystander; 4) Citizen-agent, 5) Citizen-administrator, and 6) Citizen-manager. As schematized below in Figure 2, the ideal model of

citizen agency can be thought of as a scale, ranging from minimal participation with mere individual consumption of community program services, to limited and full participation of community members as a collectivity in the provision, administration and management of services.

Each of the six forms of participation in community governance programs translates into a different level of citizen agency, ranging from mere “consumption,” which enables *individuals* to solve *private* problems, to “self-direction,” which enables *the community* to solve *collective* problems of insecurity. The more a program approximates the “self-direction” pole (e.g., the greater the extent of citizen participation in the program), the more the program succeeds in enabling local governance and the more it empowers individual community members as agents of justice and communities as a means of security.

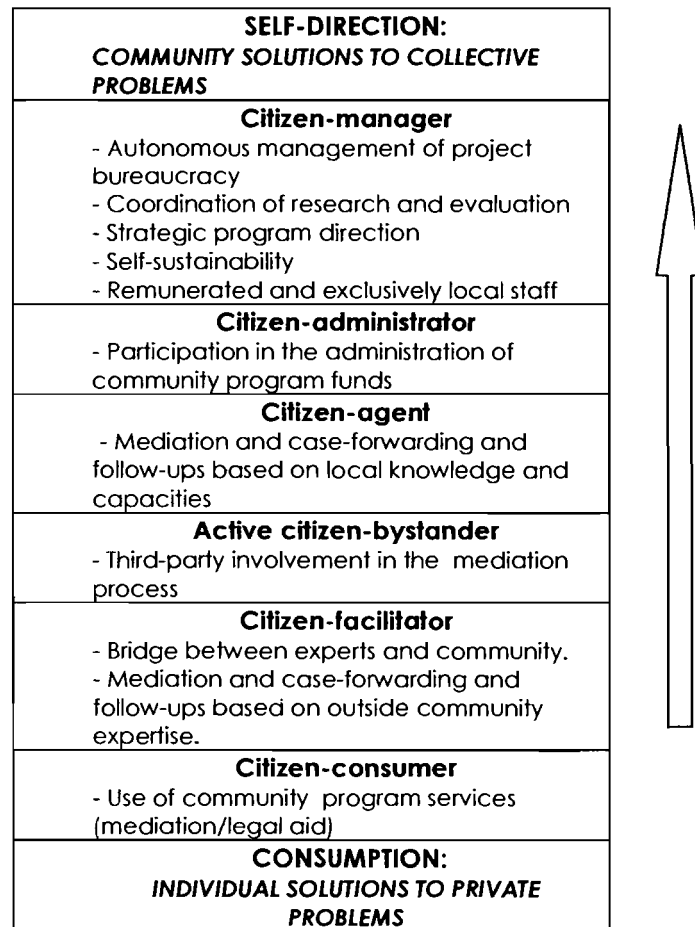
To construct the ideal-type, I compared the institutional configurations of 93 micro-governance programs in Brazil and South Africa. In Brazil, the sample includes the 67 projects identified in the national database on programs of “access to justice through alternative systems of conflict administration” and the Zwelethemba-inspired pilot project in São Caetano do Sul (which was not included in the national database as was not operational at the time of the survey). In South Africa, the sample includes the 25 Zwelethemba programs of conflict resolution and community development. Comparative results will be discussed at length in Chapter 3.

For the purpose of clarity, it should nonetheless be emphasized that while the six forms of citizen agency identified in the ideal-type range incrementally from individual agency limited to consumption to collective community agency and self-direction and thus represent six distinct levels of citizen agency, the categories are not necessarily mutually exclusive. For example, all programs must have at least “citizen consumers” to operate. While most of the programs in Brazil enable citizens to exert only this limited form of agency, the “exceptions” in

Brazil and the programs examined in South Africa provide greater participatory opportunities and empower citizens to exert more agency as they become active in the provision and administration of program services. Had the comparative analysis been limited to Brazil and results not been compared with similar programs in South Africa, an important form of citizen agency would not have been identified as there are currently no micro-governance programs in Brazil that enable local residents to participate in the administration of funds allocated to the community project.

It is important to stress here that following principles of nodal governance, and to achieve basic programmatic objectives of the human security agenda, the main objective of micro-governance programs should be increased self-direction to empower local residents to solve shared problems of insecurity that affect daily life at home and in the community. Crime prevention and violence reduction may (and are indeed expected to) represent additional beneficial outcomes of the community projects, but do not represent their primary goal. Thus, it is following this logic that the ideal-typical model presented “culminates” into an ideal situation that empowers local citizens as a collectivity with all the decision-making power over their community projects.

Figure 2. Ideal-type of citizen agency



Weber's ideal-typical approach is particularly useful to understand and explain the very different patterns of citizen agency observed within Brazil and between Brazil and South Africa. Ideal-types are a key conceptual tool for comparison, and provide a unique window for understanding through interpretation. Ideal types are "analytical artifices" that construct hypothetical profiles of intentions and actions based on the observation of recurrences in the fulfillment of social roles (e.g. the capitalist), and seek to provide parameters to conceptualize observed phenomena more than to establish causality (Belanger, 1998: 47).

Ideal types enable the researcher to understand broad concepts, such as citizen agency, and to explain its distinctive, particular features by measuring how much they approximate or deviate from the ideal analytical construct. For example, Weber's ideal-type of religions is based on the protestant ideal. Other religions are defined according to how much they approximate or deviate from this ideal, which is expected to influence the economic mode of production: The more a religion approximates the ideal of the protestant ethic, the more likely capitalism will emerge. Similarly, I argue that the more a micro-governance initiative approximates the South African Zwelethemba ideal, the more likely citizens and communities will be empowered as a means of security. As one scholar nicely summed it up:

“An *ideal type* is an analytical construct that serves the investigator as a measuring rod to ascertain similarities as well as deviations in concrete cases. [...] It is formed by the one-sided accentuation of one or more points of view and by the synthesis of a great many diffuse, discrete, more or less present and occasionally absent *concrete individual* phenomena, which are arranged according to those one-sidedly emphasized viewpoints into a unified *analytical* construct. [...] It is constructed out of certain elements of reality and forms a logically precise and coherent whole, which can never be found as such in that reality” (Coser, 1977).

In none of the 93 cases examined in Brazil and South Africa was there a “full empirical embodiment” of what I call *real* citizen agency. The Zwelethemba model relies on local knowledge and capacities to provide and administrate most of the services it offers community members, and therefore enables citizens to exert distinct forms of citizen agency. At the same time, however, the Zwelethemba model is not “ideal” in that it does *not* enable “the full empirical embodiment” of *real* citizen agency as some administrative tasks remain monopolized by academic partners, and no project was able to become financially self-sustainable yet. Indeed, as Clifford Shearing puts it, “the Zwelethemba model is not a descriptive model of what happens but an aspirational model. It describes

a set of ideal procedures that are seldom fully realized.”⁴² I further argue that there exists a distance between this aspirational model in practice and an ideal aspirational model which would enable completely autonomous collective community agency.

Interestingly, of the cases examined in Brazil, the community program situated closest to the “real agency” pole is the São Caetano do Sul project, which is largely inspired by the Zwelethemba model. Most programs in Brazil are situated on the mere “consumption” end. In the two cases-studies in Brasilia and Rio de Janeiro, community programs promote greater citizen agency but still enable a very a limited form of citizen participation in the provision of program services. In stark contrast, while not all the Zwelethemba experiments in South Africa were as successful, all Zwelethemba experiments enabled quasi-full citizen participation in the community governance programs. In other words, the Zwelethemba model enables citizen to participate actively not only in the consumption but in the actual provision of program services and decision-making processes, and thus empowers both individuals *and* communities as a means of security.

⁴² Cited from personal electronic communications with Professor Shearing (September 15, 2006).

Chapter 1. Citizen-Based Security: Theoretical & Normative Dimensions

To explain the variegated empirical results observed within Brazil and between Brazil and South Africa, I used a process of analytic induction, which is consistent with ethnographic research⁴³ and the Weberian methodology employed to build the ideal-type of citizen agency discussed further in Chapter 3. Induction is a mode of reasoning that infers general rules (e.g. recurrence) from particular cases, as opposed to the logic of deduction, which postulates a general rule that is applied to particular cases (Belanger, 1998: 26). Specifically, the logic of induction entails, in the following order, 1)*collecting data*; 2)*testing the hypotheses according to the data*; 3)*developing a theory grounded in the particular setting under study that seeks to explain the totality of the phenomenon* (Nachmias and Nachmias, 2000).

This study, following the bottom-up logic of induction, started with the empirical observation that in South Africa, the 25 Zwelethemba programs worked to empower citizens and communities as a means of security in low-income areas where public security was failing, and that this should also be true for Brazil, which in recent years had also seen the emergence of a number of similar micro-governance initiatives. As the field research and pilot experiments in Brazil progressed, the original hypothesis was tested, and was both confirmed and infirmed as it became apparent that micro-governance programs usually worked to empower citizens but not communities. Based on results from the national survey on “alternative systems of conflict administration,” the failed pilot experiment in Brasilia, and the fact of the bankruptcy of the Viva Rio project in 2007, I found that while it was true that micro-governance programs empowered both individual citizens and communities as a means of security in low-income areas where public security was failing in South Africa, it was not so true for

⁴³ For a sophisticated and insightful discussion on the heuristic value of induction, see also Glaser and Strauss’ “The Discovery of Grounded Theory” (1967).

Brazil, where these programs enabled individual citizens (not communities) only a limited, mostly consumptive form of citizen agency. Upon further investigation, it became apparent that this paradox could largely be explained by the different normative structures of the various local security networks, which are regulated by opposing ideas on who can have agency on justice and how.

To explain *why* community governance works well to empower citizens *and* communities as a means of security in South Africa but not in Brazil, and why the Zwelethemba experiments produced such different results for Brasilia and São Caetano do Sul, it was necessary to investigate deeper to reveal the ideational foundations upon which the local security networks were built upon. Shearing et al. (2005) are right to argue that “mentalities” constitute one of the principal characteristics in local security networks, but they may have underestimated its importance relatively to the nodes’ three other components (e.g., institutional structure, technology, resources), as will be demonstrated in Chapter 4. As illustrated below in Table 1, “mentalities” in the form of ideas about who can have agency on justice (and how) determine the local network’s other components. In Brazil, conservative mentalities about the state’s exclusive monopoly of justice are pervasive and have influenced institutional configurations, the choice for technology, and the allocation and distribution of human and financial resources in the majority of cases (78%⁴⁴) examined in the country.

⁴⁴ Based on results for the survey category “Service providers are outside-community professionals with expertise in the areas of law, psychology and/or social work” in the national mapping of “alternative systems of conflict administration.”

Table 1. The influence of norms in local security networks in Brazil and South Africa

<div>Normative Position (mentality")</div> <div>Network Component</div>	Conservative/Status-quo <i>State monopoly of justice</i> Brasilia pilot & Viva Rio project	Liberal/Change <i>Outside-state arbitration of social conflicts</i> São Caetano do Sul pilot & Zwelethemba projects in South Africa
Technology (e.g., knowledge base)	Credentials: Formal and/or university training in law, psychology and/or social work.	Local knowledge: Based on shared everyday experiences of community life and problems.
Resources	Community funds originating from the Bureaucracy are infused primarily to diverse Bureaucratic actors and to finance Bureaucratic activities.	Community funds originating from the Bureaucracy are infused primarily to community actors and to finance community activities.
Institutional structure	<ul style="list-style-type: none"> - Heavy and costly Bureaucracy; - Hierarchical vertical power structure; - Cases are forwarded from social actors through community agents to formal and informal authorities of the justice system working at the community level, which are occasionally then referred to formal authorities of the justice system. 	<ul style="list-style-type: none"> - Light and un-costly Bureaucracy; - Synergetic and horizontal power-structure; - Cases are forwarded from social actors to other social actors, which are occasionally then referred to formal authorities of the justice system.

As a result of the prevalence of conservative norms within local security networks in Brazil, most projects suffer from a programmatic bias and a paradox where citizens are, for the most part, only allowed to participate in their community's project as consumers of services provided mainly by outside-community actors on the basis of professional expertise, not local knowledge. To explain these unexpected results and the paradox of "community governance from above" in Brazil, it is necessary to apply critical reasoning to understand *what* (as

opposed to how) we can know of the object of this study, that is, what are local security networks “made of”? This question was also the subject of Alexander Wendt’s famous Social Theory of International Relations (1989), where he argued that the international system was essentially “made of” ideas about organized violence and its legitimate use. Building on Wendt’s conceptual framework, I argue that local security networks are essentially “made of” ideas about the legitimacy of the state’s monopoly of justice, and use comparative data to demonstrate both the causal and constitutive effects these ideas on the network and its components (e.g., institutional structure, choice for technology, and allocation/distribution of resources).

My research combines a positivist epistemology based on empirical verification to investigate the institutional arrangements that enable citizens to exert different forms of agency on insecurity, with a constructivist *ontology* based on the recognition that norms and ideas about who should have agency on justice determine institutional configurations and constitute the “stuff” local security networks in Brazil are essentially “made of.”

To explain and understand the causal and constitutive relationships between citizen agency, micro-governance, ideas about who can have agency on justice, and the power of the bureaucracy relative to the community, I compare 93 local security networks in Brazil and South Africa, and then, having revealed the paradox of “community governance from above,” I investigate their ideational foundations, or their “normative structure.” I build on nodal theory and employ Wendt’s approach to determine how and why the normative structure of local security networks influences citizen agency on real and perceived sources of insecurity.

Based on the demonstrated successes of the Zwelethemba community experiments in South Africa, research results for Brazil were expected to show that micro-governance programs constituted an efficient means to promote

community empowerment and presented an efficient alternative to failing public security in the country's infamous favelas. The inductive logic of this study, however, led to the discovery that local security networks in Brazil are characterized by a paradox, which, after the two pilot experiments in Brasilia and São Caetano do Sul, and their comparative analysis with similar experiments in South Africa, could not be explained by geography, history, socio-economic factors, nor institutional configurations. The theoretical and empirical focus on the role of norms was mandated by the diversified empirical results for non-normative elements of local security networks within Brazil and between Brazil and South Africa. While the Zwelethemba model proved remarkably efficient in empowering both citizens and communities as a means of security in 25 South African townships and (its adapted version) in the small community of Nova Gerty in São Caetano do Sul, the pilot experiments flopped in Jardim Angela and Brasilia, and the Viva Rio project, which was one of the few community governance programs in Brazil that enabled more citizen agency than mere consumption, went bankrupt in January 2007.

How to explain that community governance was efficient in South Africa but overall defunct in Brazil, and that the same Zwelethemba experiment had gone so well in São Caetano do Sul while it failed in Brasilia? While the original Zwelethemba pilots in South Africa and the São Caetano do Sul experiment corroborated the research hypothesis that micro-governance could empower the poor and their communities as a means of security when the state could not or would not provide this public good, the failed experiments in Brasilia and Jardim Angela, the bankruptcy of Viva Rio, and the overall defunctness of "community governance" in Brazil provided grounds to refute it. Why did the Zwelethemba pilot experiments work in São Caetano do Sul (and South Africa) but not in Brasilia (and Jardim Angela)? How to explain such diversified results for initiatives with similar programmatic objectives? Could the starkly opposite results have to do with the researcher's involvement with the two pilots?

The evidence reviewed in this study indicates that while the active involvement of the researcher can work to facilitate citizen agency, as was the case with the successful pilot experiment in São Caetano, it is, unfortunately, largely insufficient to determine research outcomes, as demonstrated by the failed experiment in Brasília. Similarly, while the IdeasWork organization has been involved closely with all the Zwelethemba pilot projects it coordinates in South Africa, not all pilots have enjoyed the same level of success, some even forced to shut down. Of course, this is because it is actors, not abstract forces, who determine the project's outcomes. It makes sense that in local security networks where decision-making power is concentrated in the hands of community actors (e.g. Zwelethemba projects in South Africa and in São Caetano), community participants ultimately determine the outcome of the initiative. Conversely, in local security networks where decision-making power remains concentrated outside the community, within Bureaucratia (e.g. Brasília and Viva Rio), Bureaucratic actors ultimately determine the outcome of the project.

Moreover, while it is true, as Babbie and Benaquisto (2002) note, that “ultimately, anything the participant-observer does or does not do will have some effect on what is being observed; it’s simply inevitable,” this does necessarily have to be construed as an unfortunate research casualty. The pilot project in São Caetano do Sul, which has, remarkably, been operating efficiently for over a year despite the lack of a sustainable financial basis to finance program activities, was conceptualized based on the lessons learned from the researcher’s participation in the first two (failed) pilot experiments in Jardim Angela and Brasília. As Shearing argues about the potential biases of studies that directly involve interventions from the researcher in project implementation and coordination, the relationship between the object of study and its active observer does not necessarily constitute a problem and should be conceptualized as a synergetic relationship akin to the one between doctors and patients:

“An analogy would be a medical procedure like and operation. What is important is that there are feedback mechanisms in place that the doctors find useful that measure the state of the patients’ progress that can be used to guide doctors in responding to what happens to the patient so as to ensure that best procedure is practiced in terms of some model of best procedure. Now this data, heart rate over time, etc., can be used to study what happened, the medical teams response, etc., on a post hoc basis. But the point is that this is not something independent of the process of practice.”⁴⁵

The Zwelethemba pilot experiments and the research agenda that informs them were formulated in terms of explicitly normative objectives: They aim to contribute to the development of simple and un-costly means to empower citizens and communities to improve their protection and well-being themselves as ordinary individuals and as organized communities. Research is intertwined with the intervention projects in low-income communities with the deliberate objective to effect concrete change in the quality of democracy as experienced by ordinary citizens on a daily basis. As Shearing explains of the Zwelethemba model⁴⁶:

“Our principal desired outcome is self-direction that deepens democracy. We want to find ways of promoting self direction through deliberative processes. At one level that we do this is self-evident. Because the practices mobilize knowledge and capacity. Now whether this is done as well as it could be and how it could be improved is something for discussion and review. Now if these reviews are continuous and ongoing so much the better. Now very often people come to us and want to assess what we doing in terms of other values and outcomes that they hold dear, for example, crime reduction. Now this is another matter. We say this may be a spin off effect because bring local knowledge to bear is likely to reduce the likelihood of the conflict not continuing. But this is not crime prevention in a narrow sense.”

Normative research seeks to intervene in real-live contexts to effect change: “Given the many injustices throughout the world, scholarship must not simply

⁴⁵ Cited from personal electronic communications with Professor Shearing (September 15, 2006).

⁴⁶ Cited from personal electronic communications with Professor Shearing (September 15, 2006).

content itself with understanding the place of morality in world affairs but must also bring the demands of moral conscience to the study and practice of world politics” (Falk, 1983, c.f., Wapner and Ruiz, 2000). In other words, as Linklater (1999: 165) plainly puts it: “...normative theory must engage with actual social structures and real social conflicts.” This is because, these scholars further argue, “scholars have a responsibility to use their work to leave the world a better place than they found it, and this includes, when possible, translating one's scholarly insights into appropriate political action” (Wapner and Ruiz, 2000).

Normative theory has a well-established tradition in political science⁴⁷. According to Hurrell (2005: 137), the subject of norms and ethics can be approached from three perspectives: “The first considers the role that normative ideas play in the practice of politics (how have ideas about what should be done influenced political behavior?); the second seeks to engage in rational moral debate as to the nature of ethical conduct (what ought we to do?); the third examines the extent to which moral behavior is heavily constrained by the dynamics of political life (given the realities of political life, what can be done?).”

This study is concerned with the three lines of questioning. Following the inductive logic of inference, the research evolved with concern for the second set of issues, to the first, and to the third. It began with the empirical observation that public security was failing in many underprivileged urban communities in Brazil, and that community governance Zwelethemba-style in South Africa worked to empower these communities as a means of security. Based on a concern to *what ought to be done* about the problem, it seemed logical to attempt Zwelethemba experiments in Brazil. After witnessing two failed pilot projects (Jardim Angelq qnd Brasilia), however, it seemed there were hidden ideational obstacles the study had failed to take into consideration. Indeed, the central question became: *How have ideas about what should be done influenced political behavior?* Only once

⁴⁷ For a survey of normative studies throughout IR history, see Cochran (1999); Frost (1996); Brown (1992); and Thomson (1992).

the role of norms about who can have agency on justice (and how) was investigated and their potentially negative influence became explicit was it possible to move on to the third set of normative issues— that is, *given the realities of political life, what can be done?*— from which the third (and more successful) pilot project in São Caetano do Sul was born.

As Alexander Wendt argues in A Social Theory of International Relations, there are always two central questions to any scientific enterprise. To understand and explain the nature of human agency and its relation to social structures, one must investigate both causal and constitutive relations. Constitutive theorizing means that the researcher should establish “the conditions of possibility for objects (...) by showing what they are made of and how they are organized. (...) As such, the object (...) in question is an ‘effect’ of the conditions that make it possible, but it does not exist independent of them” (Fearon and Wendt, 2005: 57-58). While Fearon and Wendt compare this relationship to the dynamic between masters and slaves, I find Shearing’s metaphor of the doctor-patient relationship more appropriate.

The causal relationship between micro-governance programs and citizen agency resolves the problem of what kind of agency local security networks enable, but not of why some programs enable only limited, consumptive forms of agency and others empower citizens and their communities greater agency as providers and administrators of their community programs. The comparative results for the pilot experiments in Brazil and South Africa indicate that the relationship between citizen agency and the “structure” of micro-governance programs is also constitutive. To understand and explain why micro-governance works better in some cases and places than others to empower citizens to act on the sources of insecurity affecting their daily lives when the state is unable or unwilling to do so, one must investigate the nature of citizen agency and of micro-governance programs themselves. Controlling for time and space, the comparative analysis of similar micro-governance experiments in South Africa and Brazil and

within Brazil point to the relevance of ideational factors to account for the diversified results.

Indeed, upon closer re-inspection of the mitigated research results in Brazil and between Brazil and South Africa, the only factor that can explain the variations in the institutional configurations, knowledge-base and resources in local security networks that share the same broad (human security) programmatic objectives is ideational. The comparative analysis of the resources, the knowledge-base, and the institutional arrangements regulating local security networks within Brazil and between Brazil and South Africa explains *how* micro-governance works to produce different results in terms of citizen agency, but not *why*, nor does it enable us to understand what accounts for the variations in the in the network components in the first place. To answer these questions, we must investigate the normative components of the network.

According to Wendt's (p. 21, 40) constitutive theory of international relations, to understand a system —the system of states— theorists must seek to uncover what he calls “the deep structures” of the system and of its culture, which, he further argues, are made up of the common understandings that govern organized violence and its legitimate use. The anarchy⁴⁸ that characterizes the international system, he argues, is not so much an objective reality as what states make of it (p.44, 310). The structure of anarchy, he demonstrates, varies with changes in the distribution of ideas about the legitimate monopoly of violence. He

⁴⁸ Wendt identifies three cultures of anarchy— Hobbesian, Lockean, and Kantian— which have been internalized to different degrees (coercion, self-interest, legitimacy) throughout history. Controlling for time and place with comparative case-study analyses, he demonstrates that the more culture is important, the greater the international stability, and concludes the stability of the system reflects a high degree of internalization of a given anarchic culture. According to his theory, structural change in the international system results from cultural change from one of the three cultures of anarchy to another and from the emergence of new collective identities. What gives meaning to anarchy is the type of people who live in it and the structure of their relationships. That Wendt means “states” when he says “people” because he believes that states are like people and attributes them anthropomorphic qualities is certainly problematic, but not enough to discredit the validity of his main argument as this conceptual blur is quite common among IR theorists.

argues that while power and interests do matter for world politics, shared knowledge about anarchy determines their significance when states decide to opt for balancing, cooperation, or war⁴⁹.

Local security networks, constituted by citizens, communities, state agencies, international organizations, NGOs and academic institutions can be thought of as miniature versions of Wendt's anarchical system. First, as in the actual international system of sovereign states, there is no overarching authority in local security networks to arbitrate conflicts between nodes, nor a centralized power to enforce binding rules and ensure compliance to them— that would go against the very point of nodal governance, which is operationalized through decentralized power-sharing agreements. As Krasner (1999: 6, 54, c.f. Hurrell, 143) skeptically notes, in decentralized systems of governance, such as the international system, “rules can be contradictory... and there is no authority structure to adjudicate such controversies. [...] the international environment has been characterized by competing and often contradictory norms, not some single coherent set of rules.” As will be demonstrated in Chapter 4, the case-studies in Jardim Angela, Brasilia and Rio de Janeiro indicate that community governance programs are prone to hostile bureaucratic takeovers, where, in the classic zero-sum dynamics of *Real Politik*, the interests of powerful bureaucratic actors are secured through explicitly authoritative methods and implicitly normative means to the detriment of community actors.

Second, if the international system of states is essentially made up of ideas on the legitimate monopoly of violence, local security networks are fundamentally constituted by ideas on the legitimate monopoly of justice. To understand how the system/network works and why it works as it does, the research must not only

⁴⁹In his polemic “Clash of Civilizations,” Huntington (1997) makes a similar claim and argues that the distribution of power reflects the distribution of culture and that culture follows power. According to his theory, culture and cultural identity are civilizational identities, and it is civilizational identities that “form patterns of cohesion, disintegration, and conflicts in the post- Cold War world.”

examine the power relationships between actors and the formal institutional arrangements that regulate these relationships, but further uncover the ideational premises on which the network was built upon and according to which it regulates daily operations. To understand and explain why similarly designed micro-governance programs limit citizen agency and community empowerment in some cases and promote them in others, one must take a more critical approach and take a closer look at what local security networks are really “made of.”

This study seeks to reveal the implicit, if not deliberately obscured norms and ideas underlying each network’s concrete operational structure. Hurrell (p.140-41), like Wendt, also argues that “theory should uncover, interpret and critically develop understandings of morality that exist within specific international historical and cultural contexts.” As Cox (1986: 207) famously put it: “Theory is always *for* someone and *for* some purpose;” or, as Hurrell (2001: 148) more blandly put it: “Value systems, after all, do not just happen. They are created by social agents for particular purposes and they are maintained because it will often pay people in some way to ensure that they are⁵⁰.”

In this vein, Freedden’s (1996) study of American philosophical liberalism investigates normative foundations and “seeks to uncover the way in which its inherently ideological character is disguised by the methods and styles that it adopts” (1996, c.f. Hurrell, p.140). Similarly, in Chapter 4 I employ qualitative data from interviews with project coordinators and community agents, as well as statements in scholarly publications by project coordinators, to demonstrate that norms of *disbelief* in the capacities of the poor to arbitrate social conflicts and govern their own community programs are dissimulated in discourses that are explicitly *in favor of* “community governance.” While some more moderate conservatives may officially denounce “the state’s exclusive monopoly of justice”⁵¹, in actual fact, however, both moderate and traditional conservative are

⁵⁰ A similar argument was made by Barry (1970) and Coleman (1990).

⁵¹ See, for example, Falsarelli-Foley, 2006.

credentialists, and perpetuate—albeit to different degrees and through different means—the status-quo of the state’s monopoly of justice.

The focus on norms and ideas is consistent with the ethnographic methodology employed in this study, which, as discussed previously, presupposes the recognition that reality is socially constructed (Babbie and Benaquisto, 2002: 307). As Baylis and Smith (2005) explain, studies that focus on the role of norms “are concerned with human consciousness, treat ideas as structural factors, consider the dynamic relationship between ideas and material forces as a consequence of how actors interpret their material reality, and are interested in how agents produce structures and how structures produce agents....[They believe] knowledge shapes how actors interpret and construct their social reality... [and that] the normative structure shapes the identity and interests of actors.”

In his seminal study on the emergence of capitalism⁵², Weber was one of the first to focus on the role of norms in social and political-economic life in his powerful critique of Marx’s historical materialism—which he found “naïve”—and argued that the evolution of capitalism could not be reduced to economic interests. For Weber⁵³, ideas and values are central explanatory factors in the history of capitalism, and his analysis seeks to illustrate concretely how values and ideas generally became effective in history.

Weber identified cultural factors (e.g. protestant ethics) as a (principal) necessary but insufficient condition to explain the emergence and expansion of capitalism, and emphasized the importance of considering the “ideas factor” not in unilateral perspective but rather as part of a larger causal configuration, constituted by a combination of elements. He explicitly states⁵⁴ that he is *not* arguing that the “capitalist spirit” could only have been born from the emanation

⁵² *L’Ethique protestante et l’esprit du capitalisme*

⁵³ *Ibid.*, p.89,

⁵⁴ *Ibid.*, pp. 90-91; 253.

of certain influences through the [protestant] Reform nor that capitalism as an economic system is a product of the Reform; rather, he seeks to establish if and to what extent religious influences (e.g. ideational factors) have contributed to the qualitative edification and the quantitative expansion of the “capitalist spirit” throughout the world, and to identify the concrete aspects of culture in which capitalism is grounded.

In more recent social scientific history, constructivists have made similar claims. Constructivist scholarship in political science focuses on “the role of ideas in constructing social life” (Fearon and Wendt, pp.57), and “puts people, their activities, and their social arrangements at the forefront” (Kubalkova, Onuf and Kowert, 1998). As Fearon and Wendt (p.57) explain, “the emphasis on ideas is meant to oppose arguments about social life which emphasize the role of brute material conditions like biology, geography and technology.” Indeed, Hurrell (142) further argues: “Material structures matter, but these material structures cannot be understood outside of the shared knowledge and shared understandings held by the actors themselves,” or, as Kratochwil (2000: 64, c.f. Hurrell, 2001:145) nicely put it:

“Contrary to Popper and the predominant epistemology, ‘explaining’ does not seem to involve simply the procedure of the ‘subsuming’ of a single case under a general law, but comprises a rather heterogeneous set of procedures by which we try to understand actions and events. Explaining often means providing a context, such as when we make a series of actions and events part of a wider narrative. However, explaining an action might also involve us in elaborations and justifications of the choices made, or of our reasons for choosing certain beginnings and endings.”

Similarly, I argue that to understand the variegations in the institutional configurations regulating local security networks—which explains how but not why micro-governance produces different forms of citizen agency and thus variegated human security results—it is necessary to investigate the ideational premises according to which the local security network is operationalized and to

compare the ideas of bureaucratic actors about who can have agency on justice. That is, I do not argue that ideas are a sufficient factor to explain the relationship between citizen agency and micro-governance; rather, I aim to demonstrate how and to what extent the opposing ideas of project coordinators about who can have agency on justice (and how) influences the institutional configurations regulating local security networks, and to identify the concrete aspects of culture (e.g. norms) according to which community governance programs are built and disseminated.

In other words, ideas are part of the larger explanatory scheme of this study; the comparative analysis of ideas about who can have agency on justice is necessary to understand the constitutive relationship between citizen agency and micro-governance. The influence of norms and ideas about the state's monopoly of justice for local security networks is not sufficient but necessary nonetheless to explain the relationship between citizen agency and micro-governance. The discussion on the role of ideas in local security networks follows the basic methodological precept set forth by Kratochwil and Ruggie (1986, c.f. Hurrell, 2001: 145), according to which:

“Norms may ‘guide’ behavior, they may ‘inspire’ behavior, they may ‘rationalize’ or ‘justify’ behavior, they may express ‘mutual expectations’ about behavior, or they may be ignored. But they do not effect cause in the sense that a bullet through the heart causes death or an uncontrolled surge in the money supply causes price inflation.”

Normative research proposes critical theories that question the established order of power and seek to challenge the status-quo. Indeed, as one political humorist cynically observes, “the world is filled with excellent problematologists, but too few good solutionologists” (Quino, 1999). While critical theories may not translate so obviously into concrete action, they can effect change in the real world nonetheless by changing how people think about the problem and thus how it is “solved.” Moreover, while it is true that social science cannot accept the

extreme claim that history can have no truth because truth itself has a history without faltering into epistemological schizophrenia, it does turn out that Foucault (1985) was right about how certain regimes of truth have dominated others. This study reveals the existence of important gaps in mainstream scholarship regarding the lawful means of security regulation in crime-laden low-income communities, and of biases against the poor who are assumed to support and engage in unlawful forms of private justice and security. Chapter 2 demonstrates that the construction of only one discourse in mainstream literature and policy papers, that focus exclusively on unlawful and private forms of citizen agency, leads to misconceptions about how citizens typically deal with insecurity in urban slums and low income communities. This bias has had repercussions on the orientation of research in Latin American Studies, and for policy discussions in the area of human security. The choice to emphasize the role of norms and ideas is thus doubly justified by the need to (re)construct the other, lawful side of the “story” of citizen-based security in Brazil. In this chapter, I develop a theoretical framework to study citizen-based security that builds on recent scholarship in criminology to address these important shortcomings.

Access to Justice and (In)Security

The relevant literature in Latin American studies and criminology that is interested in governance and citizenship in the context of failing justice and public security can be situated broadly within the “policy umbrella” of human security, which has paradigmatic pretensions and includes both theoretical and normative objectives. The human security agenda, the Canadian Consortium on Human Security states, “is not simply a research endeavor, it also defines an agenda for global action⁵⁵.” As the Brazilian Ministry of Justice and the United Nations Development Programme for Brazil provided institutional support and financing for the two pilot projects to promote broad programmatic objectives of “human

⁵⁵ As defined by the Canadian Consortium on Human Security (See Mission Statement on-line at: <http://cchs.xplorex.com/page179.htm>)

security,” the relative success of each pilot will be analyzed based on the general criteria set out as part of the UNDP’s human security agenda. The general efficiency of each project will be determined in terms of its capacity to reduce human insecurity in underprivileged urban areas, through cooperative arrangements with local, regional, and international state and non-state organizations, as well as with private sector actors, that build on local capacities to enable both individual and collective citizen agency on the sources of insecurity that affect the quality of daily life at home and in the community.

The human security approach was first adopted by the United Nations Development Programme (UNDP) in 1994 and then championed by Canadian foreign policy. The UNDP defines human security as “freedom from fear and want,” and broadly aims to “empower people and societies as a means of security.”⁵⁶ Because the concept of human security arises much scholarly debate⁵⁷ in academia and policy circles, the original, generic definition developed by the UNDP will be favored for practical purposes. Human security research focuses on “the nexus between violence, development, and governance⁵⁸.” This conceptual approach shifts the analytical focus from states to citizens and communities, and thus presents a useful way to examine the question of (in)security from a micro-perspective, focusing on the multiple and un-dissociable roots of daily injustices that cause the insecurity this study seeks to explain and understand.

In a nutshell, human security embraces a holistic approach to the problem of insecurity, which includes seven categories of security that together comprise “human security:” Economic security; food security; health security; environmental security; personal security; community security; and political security (UNDP, 1994). In the human security perspective, insecurity is

⁵⁶ UNDP (1994).

⁵⁷ For an insightful discussion on the evolution of the human security concept and the scholarly debate on its analytical utility and definitional issues, see Ketteman (2006).

⁵⁸ See Canadian Consortium on Human Security (Mission Statement on-line at: <http://cchs.xplorex.com/page179.htm>)

understood as a multi-faceted problem rooted not only in war and violence amongst and within states (and increasingly cities⁵⁹), but also in hunger, illness, and crime.

In her widely referenced study of “Justice and the Politics of Difference” (1990: 37), Young also makes a strong argument in favor of a broad conception of justice, which includes important elements of social justice and focuses on the question of agency:

“Justice is not identical with the concrete realization of these values in individual lives; justice, that is, is not identical with the good life. Rather, social justice concerns the degree to which a society contains and supports the institutional conditions necessary for the realization of these values. The values comprised in the good life can be reduced to two very general ones: (1) developing and exercising one’s capacities and expressing one’s experience, and (2) participating in determining one’s action and the conditions of one’s actions. These are universalist values, in the sense that they assume the equal moral worth of all persons, and thus justice requires their promotion for everyone.”

Similarly, the Zwelethemba model, which combines peace-making (conflict mediation) and peace-building activities (local socio-economic development) to realize broadly defined human security objectives, functions based on the fundamental premise that there exists, as Young (1990: 37) insightfully put it, “a connection between justice and the values that constitute the good life.” The “good life” is fundamentally related to the notion of agency, which determines the extent to which individuals can act on the course of events affecting their daily lives. Beyond the intrinsic connection between justice in the sense of universal access to impartial, accountable, and transparent conflict arbitration mechanisms, on the one hand, and social justice in the sense of the “good life,” on the other,

⁵⁹ *Ibid.* While Brazil is otherwise a stable democracy, ongoing combat operations between the police and traffickers in the slums of Rio de Janeiro and more recently (2006) in São Paulo, and the failure of the state to provide public security and monopolize violence constitute classical elements of war, which will be discussed further in Chapter 2.

there is a close relationship between access to justice and the production of security.

Access to justice⁶⁰ —to a universal, fair, and institutionalized justice system (including the police)— is one of the most basic rights of democratic citizenship, for the right to justice is the means to all other rights (Holston and Caldeira, 1998). In Brazil, however, as in most countries of the region, judiciary institutions tend to reproduce existing socioeconomic inequalities, denying Rawls' (1971) fundamental principle of equality of citizens as legal subjects⁶¹. While law is intended to “work as the great equalizer, because rich and poor alike are free to vindicate their rights in court in order to obtain ‘equal justice under the law’⁶²,” (Garro (1999), in Brazil these grand principles have yet to translate into daily concrete actions. In other words, the law is blind to socioeconomic status in theory but not so much in practice, and Brazilians have not been blind to the failures of their justice system. As Holston and Caldeira wittily note⁶³:

“...in interviews with people of all social classes, the most common response to a question about the judiciary was some version of ‘it’s a joke!’ The judiciary’s overwhelming failures to secure and communicate a sense of effective justice, fair and timely treatment, and reasonable access for all Brazilians render it an isolated and even irrelevant institution for most people. Beyond a very narrow professional circle, remarkably little is known about its personnel and organization. Even for educated Brazilians, the judiciary is a closed, conservative, enigmatic institution, protected by practically impenetrable bureaucratic formalities and fiercely defended corporate privileges.”

Beyond the issue of institutional mistrust, which in itself is a powerful force undermining access to justice for low-income citizens, limited knowledge about rights and judicial procedures, time constraints, and low income undermine the

⁶⁰ For an insightful review of the problem of access to justice for the poor in Latin America, see Garro (1999).

⁶¹ See also O'Donnell (1999), and Holston and Caldeira (1998).

⁶² Garro (1999)

⁶³ Holston and Caldeira (1998).

capacity of the poor to pursue a case in the formal system of justice. In addition, to the notable exception of Rio de Janeiro, poorer neighborhoods in Brazil are usually located in the outskirts of urban centers. If they want to present a case to formal authorities, citizens residing in these peripheral communities must find the time and money necessary to travel back and forth to the city to meet with the closest state agents and officials. Limited geographical access to police stations, courts, and defense attorneys is a real and concrete problem limiting access to the formal system of justice for the poor. The formality of actors (e.g., lawyers and judges) in the traditional justice system can also inhibit, if not embarrass, citizens coming from more modest backgrounds. As Dona Dora, a community agent from Ceilandia put it:

“Poor people with no education are afraid of formal justice, of the judge, the treatment is not good. People from the justice system think they are better than everyone, when they attend you they don’t treat you as if you had the same rights — people are afraid to go to the service counter [*balcão*].”⁶⁴

Moreover, pursuing a case through the justice system involves a lot of paperwork, and to obtain documents citizens need a mailing address. Many favela residents don’t have an address as they are in fact illegally “squatting” the premises, and when they do actually manage to regularize their situation and to obtain a concrete address number on a street with an actual name, few are the postmen who will brave the steep and treacherous maze of roads and unpaved alleys in the favela to deliver the mail.

Simply put, even when they do know how and to whom to address their grievances in the complex police and judicial bureaucracies, the poor cannot afford the endless photocopy and administrative fees to obtain required documents, the repeated bus and metro trips to courts and police stations, lengthy

⁶⁴ Translation by the author.

judicial procedures where they have to miss out on work, the lawyer fees when public defense attorneys are not available, and, more cynically, corruption fees.

Indeed, as the low score of Brazil on the Transparency International Corruption Perceptions Index suggests, corruption is an endemic problem⁶⁵. Opinion data indicates that as much as 81% of Brazilians believe *almost all* or *all* public officials are corrupted (World Values Survey, 1995-1997), and 38% believe corruption will *never* be eliminated (Latinobarómetro, 2004). The fact that 64% of the population reported being asked for a bribe by members of the judiciary power and an incredible 83% by the police suggests Brazilians have good reasons not to trust the state justice system⁶⁶.

Moreover, In Brazil, as in many countries including advanced industrialized democracies, free legal aid and government-provided defense attorneys are not universally available. In a country of extreme inequality and weak social safety nets like Brazil, however, the “imperfections” of the public defense system means a very significant part of the population is left with no means to address grievances in the formal justice system. A recent study by the Secretariat of Judiciary Reform (2004) revealed that only 34% of courts nation-wide could “count on the services of the institution responsible for providing free legal assistance,” which means public defense lawyers are not available in almost two-thirds of Brazil.

In a country where the richest 10% capture 47% of the GNP compared to 2.6% for the poorest 20%⁶⁷ (World Bank, 2004), it is to be expected that almost a third of the population (29%) believes “being poor” is the main reason why people are not equally treated in the country (Latinobarometro, 2004). As one

⁶⁵ In 2000, Brazil obtained a score of 3.9 out of 10 (compared to 9.2 for Canada), which is indicative of high corruption perception as the closer to zero the higher the perception of corruption.

⁶⁶ Transparency International – Brazil, 2003. Data available on-line at: <http://www.transparencia.org.br/docs/perspec-privado-2003.pdf>

⁶⁷ Data for 2000.

distinguished Brazilian intellectual plainly put it (Pineiro, 1999), “Despite significant advances in civil society and democratic governance, the poor continue to be the preferred victims of violence, criminality, and human rights violations.” More interestingly, Goirand (2003) captures the common perception of the problem in the following statement from a favela resident:

“The people who live in the communities, in the favelas, as they are called here, are regarded with very little respect. ... That is why I think that there should be more respect on the part of the authorities... I think that the law was made for everyone. But people think that only those who have money have a right to the law. In contrast, if you’re poor, you don’t have any right.”

While the problems discussed above specifically affect lower-income citizens, there are many other obstacles to access to justice in Brazil that affect everyone, including the poor. Court backlogs constitute an often insurmountable obstacle to access to justice. Not only is it a real challenge to get the case to court, there is no guarantee the case will make it out of court in timely delays⁶⁸, if ever, some wonder, as cases can drag on for decades.

As a result of the defunctness of the justice system, many conflicts and crimes are not reported, or dealt with through private channels, if addressed at all. In addition, many conflicts and grievances do not necessarily constitute crimes per se and are not likely to ever reach authorities, and even more so in a context of institutional mistrust.

Micro-governance programs produce security by enabling citizens to address grievances before they escalate into (more) violent conflicts. This reduces the likelihood that harm and/or violence will reoccur in the future and, thus, protects the long-term individual moral good of justice (Shearing and Johnston, 2005; Froestad and Shearing, 2005).

⁶⁸ To give an idea, in some less developed rural/jungle states like Amazonas, only 25% of cases that entered state courts were actually judged in 2003 (SRJ-UNDP, 2004)

The future-oriented and non-retributive conception of justice can be traced back to classical philosophers of law such as Francis Bacon in the late 16th century who argued that “the past cannot be undone by another injury” (c.f. Shklar, 1988). Because they seek to identify and implement means to re-establish justice in the present and for the future rather than attempting to un-do a harm committed in the past with another harm (i.e., retribution, sanctioning), micro-governance programs of conflict resolution like the Zwelethemba model reduce the risks of creating more perceptions of injustice in the process of delivering justice and safeguard *future* peace between conflicting parties.

The production of security as a result of the (micro)governance process that enables the resolution of daily conflicts and problems in low-income communities is rightfully assumed, and scholars associated to the school of nodal governance take it for granted. While their research focuses on findings from the Zwelethemba model of conflict resolution and mediation—an activity usually associated to the conceptual realm of justice—they talk about the governance of *security* rather than the governance of *justice*.⁶⁹

In Brazil, state agencies related to the justice system—tribunals, the Public Ministry, the Public Defense Attorney’s Office, the Ministry of Justice, police agencies, etc.—have been supporting community programs in the areas of justice to improve access to justice as an objective in itself, but also for their acknowledged security benefits. Community programs are expected to improve the overall quality of state justice and security services as conflicts mediated at the community level “free” police officers and courts from more trivial matters (that

⁶⁹ Similarly, political scientists refer to diplomacy as a tool of security, not justice. Diplomacy is all about the art of conflict resolution without recourse to violence. Micro-governance programs are as well. Like diplomats work to get warring parties to hold hostilities and agree to a ceasefire and come to the negotiation table for dialogue, community mediators get families, friends, neighbors, and colleagues to the discussion table so they can identify and solve their problems peacefully.

can lead to violence when left un-addressed) to focus on what they are best suited and trained for (Daniels, 2006; Jenneker and Cartwright, 2006 and 2005).

Simply put, access to justice is expected to prevent violence: State and international development agencies, such as SRJ-MJ and UNDP-Brazil, thus explicitly support community justice as a means of violence prevention (Dutra Freire, 2006). It is with this integrated approach to justice and security that the pilot experiment in São Caetano was conceptualized. As the judge coordinator of the project eloquently stated on the day of the project's launching ⁷⁰:

“It is not by chance that the majority of interventions on the street by the police and the guards are to respond to conflicts involving domestic violence and quarrels between neighbors. But, as many of us are reluctant to take our problems to the police or to Justice, the conflict continues. Our security, as such, is affected - police officers could be responding to more severe crimes -; our health is affected - for the lack of peace and tranquility, causing us stress, suffering, sadness-; our development is prejudiced - because we lack the time and conditions to look at the opportunities we have ahead, leaving us only with the difficulties. If these conflicts affect us as much, the need to find better solutions was justified. That is why justice, health, security, social development, and community were united, and created an innovative project, with international support: Restorative and Community Justice to resolve conflicts involving domestic violence and daily disputes in the neighborhood”

Perceptions of injustice, when un-addressed, often lead to violence, and this is especially true in the context of poverty where the precariousness of everyday life creates a tense climate of insecurity where quarrels more easily escalate into violent conflict. Gilligan (1996) argues that “all violence is an effort to do justice, or undo injustice.” While this may not be quite true —for some violence is

⁷⁰Translation by the author. The statement from the judge coordinator can also be found in the formal project documentation distributed publicly on the day of the project's launching, which was realized as part of an international conference in which I participated as a panelist: *Restaurando justiça na família e na vizinhança: uma parceria entre justiça e comunidade*, Tribunal of Justice of the State of São Paulo, São Caetano do Sul – São Paulo, June 22, 2006

senseless— the point remains valid: Real and perceived injustice can and often does end with violence, and in extreme cases homicide. In a similar vein, Rousseau (c.f., Shklar, 1988) observed long ago that “we manifest a sense of injustice when we resort to primitive acts of revenge.” When honor is at stake and there are no means to mediate the conflict, things often quickly escalate to a point of no-return and the argument can become a question of life or death.

Indeed, as Lima (2002) demonstrates based on a study of the motives for homicides in the greater São Paulo metropolitan area, the majority of homicides are rooted in small conflicts within the community (e.g., disputes at home, in bars, and/or amongst neighbors). His research also shows that these social conflicts are especially prone to escalate to violence and homicide as the state is unable to establish its legitimacy as an efficient conflict mediator⁷¹.

The close relationship between access to justice, violence and (in)security was also corroborated empirically by findings from research in Colombia, where it was shown that in poor communities where citizens did not have access to community conflict mediation programs (in the absence of access to the formal justice system), there were five and a half times more cases (per 1000 in the population) of citizens who employed violent means to obtain justice than in communities where citizens had access to community programs of conflict mediation (Buscaglia, 2001).

But this is *not* because the poor are generally more prone to violence. It is wrong to assume that citizens in low income communities are inherently more violent. The vast majority of residents in shanty-towns are *not* revenge-seeking denizens. The quick(er) escalation of disputes into violent conflicts in slums and low-income communities are often due to disputes involving the large population

⁷¹ See also Dutra-Freire (2006).

of male youths⁷², often armed and intoxicated. As Naim (2007) concludes, “Researchers can agree upon little [on what drives up crime rates] beyond the general notion that crime soars in places where there is a high percentage of young males, ample drugs, and easy access to guns.” It has been demonstrated in studies in criminology⁷³ that the presence of weapons is more likely to lead more rapidly to the escalation of violence and to the use of lethal force. Combine alcohol and drug (ab)use— a preferred activity for the young and idle in low-income communities— with an overall sense of social injustice sharpened by a time-and-place specific perceived sense of injustice, and it becomes a potentially explosive cocktail for confrontation. Indeed, as Skhlar (1988) argues, “the spontaneous reaction to injustice is not a call for legal procedures, but for revenge.” This is ever more true when sobriety is no more and honor is at stake. In the context of poverty, one’s sense of honor is often one of the few things one may own.

Injustice, whether real or perceived, creates insecurity, which has real consequences. Susan Eckstein and Timothy Wickham-Crowley (2003) make a powerful statement and are right to argue that “if people define social situations as unjust, then such perceived injustices are real in their consequences.” Injustice has concrete repercussions and is not simply the absence of justice⁷⁴, as peace may not be simplistically defined as the absence of war. Both concepts involve states of their own and are experienced as such on a daily basis.

It should be emphasized that the aim here is not to engage in philosophical debates about the meaning of (in)justice and its relationship to (in)security. Rather, the purpose of this discussion is to develop new ways to think about citizen agency on (in)security within a political science framework of analysis.

⁷² According to Ituassu (2006), in Brazil, “between 1991 and 2000, the number of young people between 15 and 24 years old grew by 47.3%.”

⁷³ See, for example, Cusson, (1999).

⁷⁴ For an interesting discussion on “The Faces of Injustice,” see Shklar (1988).

While the study of security has always been a central concern for mainstream political science, there has been no clear normative consensus on the meaning of security. As Hurrell (p.150) aptly put it, “the politics of security is not only driven by problems of trust and credible contracting but also by the deep disputes as to which values are to be incorporated into understandings of security and as to whose security is to be promoted (states? nations? regimes? individuals?).”

For most of the 20th century, research has focused on security issues involving warring factions, states and international relations as opposed to people. More recently, in the 1990s, researchers and policy-makers began to develop scholarly interest in the sources of insecurity that affect ordinary citizens, not only states, as part of the new “human security paradigm.” IR and policy studies that employ a human security perspective have thus become more interested in security issues affecting the welfare of vulnerable groups in failing states and countries with civil wars. Latin American studies and comparative scholarship have also produced interesting contributions to understanding the plight of citizens and communities in (otherwise politically) stable democracies where public security and judiciary institutions are failing.

As will be demonstrated in Chapter 2, the actual and potential of citizen agency in the daily governance of security, however, remains largely unexplored in mainstream scholarship. Research in the fields of comparative politics and Latin American studies has focused on unlawful solutions to insecurity in slums and, considering the methodological difficulties that the study of illicit, criminal behavior inevitably entails, researchers have usually taken for granted that private, unlawful forms of justice and security are the poor man’s way to solve daily problems, and have instead focused their empirical efforts on documenting the private high-tech security solutions of the upper half.

While political scientists at least dating back to Tocqueville have studied civil society organization and different forms of citizen agency, these questions have been largely ignored in relation to the governance of security in peaceful, democratic countries of Latin America. Strangely, at the same time as the shift from state-centered to ‘multilateral’ or ‘polycentric’ governance has integrated mainstream scholarship (McGinnis, 1999, c.f. Burris, Drahos and Shearing, 2005)⁶, the positive consequences of this well-documented trend for the regulation of traditionally state-monopolized justice and security services are absent from the misrule of law literature.

In the past three decades, comparative research and the Latin American studies literature has been primarily concerned with forms of citizen organization against authoritarian regimes³, and since democratization mostly with changing patterns of civil society mobilization against social injustices associated to neoliberal economic reforms⁴. The rich body of literature on local governance in Brazil and other countries of the region has been largely focused on local budgeting processes⁷⁵. As will be demonstrated in Chapter 2, when the literature

⁶ Many authors across the social sciences have observed a relative decline in the primacy of the state as both the main unit of analysis and the principal actor in domestic and international life. Criminologists have mainly focused on new power-sharing arrangements and the diffusion of authority in the organization of domestic security (see, for example, the scholarship on nodal governance). Political scientists have been more generally interested in the decline of state authority relatively to market forces, international organizations and transnational actors (e.g., (I)NGOs, epistemic communities, advocacy networks) in domestic and international political and economic affairs (see, for example, della Porta and Tarrow, 2005; Held and McGrew, 2002; O’Brien, Goetz, Scholte and Williams, 2000; McGinnis, 1999; Keck and Sikkink, 1998; Finnemore, 1996; Strange 1996, Haas, 1992; Rosenau and Czempiel, 1992).

³ See, for example, the edited volumes by Eckstein (2001) and by Escobar and Alvarez (1992); Oxfhorn (1995); Castells (1983).

⁴ See, for example, the edited volume by Eckstein and Wickham-Crowley (2003) and by Eckstein (2001); Zugman (2005); Stolle-McAllister (2005); Oxfhorn and Ducatenzeiler (1998); Roberts (1998); Yashar (1998); Degregori (1998); Panfichi (1997); Hellman (1997); Waylen (1994).

⁷⁵ See, for example, Abers (1998, 1996); Avritzer (2000a and 2000b); Baiocchi (2003, 2000); de Sousa Santos (1998); Inter-American Development Bank (2003); Koonings (2004); Souza (2001); Utzig (2000); Wampler, (2004); Wampler and Avritzer (2004).

does address the role of civil society in the governance security, it focuses mostly on unlawful and violent forms or citizen agency.

Other recent studies of interest identify diverse and competing models of citizenship, raising the very relevant question of citizen agency and “consumerism”. For example, after an in-depth comparative historical review of civil society organization in the region, Oxhorn (2004b, 2006) concludes that modern Latin American democracies are characterized by two “competing” models of citizenship: Citizenship as “consumption” versus “agency.” As he keenly observes (2006), in Latin America, “... a new model of citizenship has become overwhelmingly dominant: Citizenship as consumption. Neither simply co-opted nor agents in the construction of their own citizenship rights, citizens are best understood as consumers, spending their votes and often limited economic resources to access what normally would be considered minimal rights of democratic citizenship.”

Similarly, I would argue that the paradoxical pattern of citizen participation in community programs observed in Brazil underscores a more fundamental regional problem where citizenship rights are constructed and exercised as a form of private consumption rather than collective agency. I would disagree with Oxhorn, however, that “citizenship as consumption” can be clearly conceptually dissociated from “citizenship as agency”.

Citizen participation in community programs in the form of service consumption constitutes an important, albeit limited form of direct citizen agency on real and perceived sources of injustice and insecurity. Consumption *is* agency as recourse to community mediation and legal aid programs enables individuals to find solutions to private problems, and this is no small achievement in a context where public security is failing and the judiciary is discredited. As Strozenberg (2006), the former coordinator of the community mediation component of the Viva Rio project argues:

“Community law [through community mediation] is applied with many defects and enormous fragility, but it still provides meaningful requisites for the desirable sense of justice: The prevalence of local culture, accessibility, agility, low financial cost, and low bureaucracy⁷⁶.”

Citizens that participate in community programs as consumers are exerting a form of agency— “citizenship as agency,” therefore, cannot be completely dissociated from “citizenship as consumption.” It seems that only if citizens were allowed to collectively manage the community programs in which they participate that citizenship could be understood as “agency” from an oxhornian perspective. As this study will demonstrate for Brazil, “collective agency” on insecurity through community-based organizations unfortunately remains much more of an ideal than a reality. In Brazilian community governance programs, citizen agency is all about the consumption of services provided by outside-community experts, and while this is far from ideal, it is still far better than no agency at all, especially in the context of the “misrule of law.”

According to recent scholarship on democratization and citizenship in Latin America, lack of access to the formal institutions of the justice system, police violence and widespread popular support for authoritarian measures of social control, corruption, impunity, ghetto justice, death squads and vigilantism have pervaded and paved the way for the consolidation not of the democratic rule of law but of the “un”rule⁷⁷ or “mis”rule⁷⁸ of law. The concept refers to a democratic polity characterized by the failure and/or discrediting of judiciary institutions and public security. As Holston explains (2006):

“In many regions of the world, not only in Brazil and Latin America, increasing everyday violations of civil citizenship in the form of urban violence and discredited judiciaries appear to accompany

⁷⁶ Translation by the author.

⁷⁷ According to Méndez, O'Donnell and Pinherio (1999)

⁷⁸ According to James Holston (2006)

increasing political democracy. [...] This coincidence of democratic expansion and erosion is the perverse paradox of Brazil's democratization. [...] Instead of the anticipated glories of democracy, Brazilians experience a democratic citizenship that seems simultaneously to erode as it expands, a democracy at times capable and at other times tragically incapable of protecting the citizen's body and producing a just society."

Popular culture and the mainstream literature depict daily life in Latin America's megapolises as a Hobbesian world of self-survival and praetorian politics, where citizens are left to fend for themselves and obtain justice and security by their own bloody means and arbitrary rules⁷⁹. The world portrayed is one where the better-off recluse to gated communities with elaborate, state-of-the-art security equipment and body guards, and where the tens of millions of Brazilians⁸⁰ who live in shanty-towns have recourse to criminal groups, ghetto justice, vigilantism and lynching.

By focusing exclusively on unlawful forms of citizen-based security, the misrule of law literature fails, by error of omission, to identify (let alone explain) all the components of its object of study. Moreover, research has been largely limited to problem-analysis. When the literature engages in actual problem-solving, it tends to be limited to police and judiciary reform, which ironically, usually escapes the scope of social science expertise. Most scholars come to the very generic conclusion about the structural/societal need to "democratize the rule of law⁸¹," with little if any practical and immediate applications.

As a result of this institutional reform bias and of the tendency to focus mainly on unlawful forms of citizen-based security, the more constructive role of

⁷⁹ A bias also noted by Anderson Sa (2005), the founder of a popular (law-abiding) favela-based community organization in the documentary "Favela Rising" (2005).

⁸⁰ In Brazil, the slum population is quite large. In 2001, more than 50 million Brazilians were reported to reside in shanty-towns (United Nations Statistics Division, 2004), and in a big city like Rio de Janeiro, as much as 60% of the urban population is concentrated in slums (Todaro, 1999).

⁸¹ See, for example, Prillaman, (2000); O'Donnell (1999); and Holston and Caldeira (1998).

civil society actors in the governance of security has been obscured. My research aims to address this deficit by re-constructing the other side of the story, focusing on lawful and peaceful cases of citizen-based security in underprivileged urban neighborhoods in Brazil. Rather than re-telling the captivating story of how people in Brazil, the epitome state of the “misrule of law,” support authoritative measures of social control and rely on private justice and security to both fight and sustain criminal activities, this study focuses on *lawful* forms of citizen-based security. Of course, this is only a small step toward a more complete story of citizen responses to insecurity in Latin America, but hopefully an important step that will bring more attention to cases of lawful “justice from below” than on ghetto justice and “injustices from above” rooted in the failure of public security, lack of access to the formal justice system, and poverty.

More empirical attention should be focused on how ordinary citizens are solving problems of insecurity in the communities where security lacks the most, and hiring a local vigilante or *justiceiro* to right a wrong is not the usual way ordinary people go about everyday business. Citizens who live in urban slums and poor neighborhoods are simply not the violence-crazed, revenge-seeking denizens the mainstream literature depicts.

For a useful and empirically-backed theory of governance in underprivileged communities where public security is failing, we must turn to criminology and the rich body of scholarship on “nodal governance,” most notably to studies on the Zwelethemba experiments in community governance conducted by Clifford Shearing and other prominent criminologists in South Africa and elsewhere.

Nodal Governance

Nodal theory seeks to explain and understand the nature of networked, power-sharing arrangements, and the role of societal, state and private sector actors (or “nodes”) within these networks that enable the regulation of specific issue-areas outside traditional state channels. Governance, Shearing, Burris and Drahos (2005) explain, “is substantially constituted in nodes—institutions with a set of technologies, mentalities and resources—that mobilize the knowledge and capacity of members to manage the course of events... Nodes are normally but not essentially points on networks, but networks are a prime means through which nodes exert influence.”

Nodes have four principal constitutive components: They require *technologies* to exert “influence over the course of events, *resources* “to support the operation of the node and the exertion of influence”; an *institutional structure* “that enables the directed mobilization of resources, mentalities and technologies over time,” and a normative structure (or “mentalities”). The authors emphasize that the node is “a real, not a virtual, entity, not simply a virtual point on a network where information can be said to coalesce [...] To be a governing node as this theory defines it, a node must have some institutional form, even if temporary [...] It need not be a formally constituted or legally recognized entity, but it must have sufficient stability and structure to enable the mobilization of resources, mentalities and technologies over time”.

This study will further demonstrate with comparative data from Brazil and South Africa that while local security networks may not have their own autonomous technologies and resources as networks are virtual, they do have their own institutional and normative structure, which is determined according to the predominant “mentality” of the main Bureaucratic actor. Indeed, while they may share a common programmatic objective, all nodes within a local security network are not equal. As will be demonstrated in Chapter 4, local security networks are essentially made up of mentalities about who can have agency on

justice: While the network does not exist independently of the nodes that constitute it, it does have a proper normative structure that does not necessarily reflect the “mentalities” of all the constituting nodes, but rather the prevailing ideational position of the most powerful Bureaucratic actor. This finding points to the relevance and to the importance of norms for understanding and explaining the dynamics of micro-governance initiatives.

Local security networks follow principles of nodal governance: They are characterized by a decentralized power structure where resources, responsibilities, and accountability are distributed within the network according to a knowledge-based partnering relationship between strategic actors. The specific capacities and the expertise of each node are mobilized through power-sharing institutional arrangements that favor the use of local knowledge to maximize efficiency in the administration and processing of specific issues. Specifically, as Burris, Drahos and Shearing (2005) define it, “nodal governance is an elaboration of contemporary network theory that explains how a variety of actors operating within social systems interact along networks to govern the systems they inhabit [...] A node as we conceive of it is a site [within a complex social system] where knowledge, capacity and resources are mobilized to manage a course of events.”

In this vein, there is an interesting body of research in criminology that employs a nodal framework of analysis to demonstrate how the capacities and knowledge resources of local communities can be mobilized and organized into “local security networks,” in collaboration with outside-community public and private actors, to enable citizens to regulate security outside traditional state institutions within a lawful, institutionalized framework, through community-based channels of dispute resolution and conflict mediation⁸². Many scholars have

⁸² See, for example, Dupont (2006, 2004); Wood and Dupont (2006); Wood and Marks (2006); Daniëls (2006); Cartwright and Jenneker (2006, 2005); Burris, Drahos and Shearing (2005); Froestad and Shearing (2005); Shearing and Johnston (2005); Shearing and Wood (2004); Wood (2004); Wood and Font (2003); Dupont, Grabosky and Shearing (2003); Johnston and Shearing (2002); Shearing (2001a, 2001b).

built on nodal theory to analyze the different actors and their interactions in networked, power-sharing arrangements that enable the governance of a range of issues, including: the governance of security in weak and failing states⁸³; the governance of security between citizens, the private sector and the police in advanced industrialized democracies such as Australia⁸⁴; the governance of social justice in South Africa⁸⁵ and Argentina⁸⁶; and the governance of international norms on Trade-Related Aspects of Intellectual Property Rights (“TRIPS”) within the World Trade Organization⁸⁷.

It is important to recognize that nodal theory is normative to the extent that it postulates the superiority of local knowledge and capacities for governance in complex social systems. The normative belief, however, is empirically-informed by a number of social experiments, notably the successful policing strategy that employed protesters themselves to police protests at the tumultuous time when the Apartheid regime opened up and allowed demonstrations for the first time⁸⁸.

Applying the same reasoning to the problem of (in)security in crime-laden underprivileged urban neighborhoods in developing countries like South Africa and Brazil, where state resources are limited and communities usually do not have access to or trust in the formal institutions of the justice system (including the police), nodal theory postulates that the most efficient way to solve daily disputes and problems that cause insecurity is to employ the problem-solving capacities of the citizens who live in these communities and face the problems on a daily basis.

⁸³ See Dupont, Grabosky and Shearing (2002).

⁸⁴ See Wood and Marks (2006); Wood and Dupont (2006); Dupont (2004); Wood (2004).

⁸⁵ See Jenneker and Cartwright (2006); Wood and Dupont (2006); Burris, Drahos and Shearing (2005); Shearing and Johnston (2005); Shearing and Froestad (2005); Cartwright and Jenneker (2005); Shearing and Wood (2004); Shearing (2001a and 2001b); Shearing and Bayley (2001).

⁸⁶ See Froestad and Shearing (2005); Shearing and Wood (2004); Wood and Font (2003); Shearing, Wood and Font (forthcoming).

⁸⁷ See Burris, Drahos and Shearing (2005).

⁸⁸ See, for example, Heymann’s (1992) and The Goldstone Commission’s (1993) account of events, which provides conclusive empirical evidence to corroborate the superiority of local knowledge and capacities over professional expertise in potentially explosive conflict situations.

Nodal theorists believe that micro-governance programs like the Zwelethemba model present an added-value to the formal justice system and traditional law enforcement agencies to solve problems that cause real and perceived insecurity in urban slums because they utilize local knowledge and capacities rather than professional expertise for problem resolution. It is important to stress here that these community programs are not designed to replace but rather to complement the formal justice system, and that more severe cases of crime and violence require recourse to police authorities.

Nodal theory asserts that while they are not experts in social work, psychology, law, or diplomacy —traditional fields where conflict-resolution is a professional skill— community residents are experts of everyday problems and of the reality in which these problems are embedded, and therefore have the relevant knowledge necessary to solve them.

The shared culture of daily life, problems, and language between service providers (mediators) and consumers (disputants) in poor communities facilitate communication and the definition of relevant knowledge for conflict resolution. It is easier to communicate with community members who share daily problems and language than detached professionals, formal judges and lawyers, and in the case of Brazil, police officers with a bad reputation.

When conflicts and grievances are mediated through community-based mechanisms, it is not supposed to be social workers, psychologists, professional mediators, lawyers, judges and police officers —outside community experts— but instead the local citizens who face the conflicts daily and are the closest to their reality who define what knowledge is relevant for their resolution. Problem-resolution based on local knowledge and capacities through local actors constitutes the *conceptual core* of nodal theory, and the central premise on which Zwelethemba-inspired models of micro-governance have been developed in

crime-laden, low-income communities in South Africa, Uganda, Argentina, Brazil, Australia, and Canada. As the case of Brazil illustrates, however, these experiments have not yielded the same, expected, positive outcomes.

To understand the context within which micro-governance initiatives were developed in Brazil, it is useful to begin with an assessment of the state of (in)security in the country. In the next chapter, I review empirical evidence indicating severe public security deficits. Contrarily to the mainstream literature, however, I argue that the poor do not usually have recourse to criminal means to compensate for the failures of public security and the justice system, and demonstrate it empirically with survey results for Brasília.

Chapter 2. The New Insecurocracy

In the not so long ago political era of generals and military rulers of Latin America, the dark-humored cartoonist asked if anyone had ever heard of “insecurocracy”⁸⁹. Two decades or so of democratic development later, the concept is more relevant than ever as Latin Americans are confronted daily with violent crime, Kafkaesque police and judiciary bureaucracies, and a media culture that favors live footage of blood to accompany the countless scandals of corruption, injustice, and revenge. If perhaps a bit cynical, the idea of insecurocracy constitutes a most useful way to think about the meaning of democracy for ordinary citizens in Brazil today, where crime rates are soaring, law enforcement agencies are unable/unwilling to protect the population, and judiciary institutions and the police are discredited with corruption and inefficiency (Holston, 2006).

The transition to democracy in Brazil did not bring about expected improvements in the accessibility and quality of formal justice and security services and, many go on to argue, the current state “lawless violence” indicates a “clear abdication of democratic authority” (Mendez, O’Donnell and Pinheiro, 1999). This is especially true for Brazil⁹⁰, where the combination of high levels of crime and low levels of trust in state institutions responsible for dealing with the problem creates a vicious circle of violence, and where the impact of violence on basic civil rights has been one of the principal threats to the quality of democratic governance.

Scholars of the misrule of law argue that democratization in Latin America has, quite paradoxically, enabled an unprecedented level of political freedom⁹¹ and participation while “the civil component of citizenship remains impaired as

⁸⁹ See Quino, *Mafalda. L'intégrale* (p. 148)

⁹⁰ As I have argued elsewhere with Oxhorn (2005)

⁹¹ Oxhorn (2004a).

citizens suffer systematic violations of civil rights and commonly encounter violence, corruption, and police abuse that go unpunished” (Holston, 2006⁹²).

Public security⁹³ institutions “fail” when state authorities are either unable to protect citizens or unwilling to enter in “dangerous,” crime-laden areas like favelas: Even when law enforcement agencies are able and willing, the state security apparatus often remains part of the problem as the police engages in ‘social cleansing’ activities (CCHS, 2006⁹⁴). Indeed, some studies⁹⁵ show that levels of police violence in Brazil have actually *increased* since the transition to democracy⁹⁶.

In Brazil, the unwillingness/inability of the state to protect citizens residing in underprivileged areas is compounded, as Pinheiro (1999) keenly notes, by the fact that crimes perpetrated by state agents often go unpunished “to the same extent that it [the state] attempts to punish crimes committed by petty and common criminals.”

The failure of public security is symptomatic of what Holston and Caldeira (1998) define as a “disjunctive democracy” in Brazil, which, they believe, has created a daily climate where “many Brazilians feel less secure under the political democracy they achieved, their bodies more threatened by its everyday violence than by the repressions of military dictatorship” (Holston, 2006⁹⁷). The empirical evidence reviewed in this chapter also suggests that Brazilians have good reasons to be afraid of the police.

⁹² See also Caldeira (2000); Pinheiro (1999); Holston and Caldeira (1998).

⁹³ Police agencies enforce the rule of law and constitute one of the principal pillars of the justice system: Most fundamentally, they are responsible for protecting citizens from crime and violence.

⁹⁴ Canadian Consortium on Human Security – Human Security and Cities, 2006. *Human Security and Cities* (Power-point presentation, Human Security Policy Division - Department of Foreign Affairs and International Trade, Canada). Available on-line at: <https://humansecurity-cities.org/page156.htm>

⁹⁵ See, for example, Caldeira and Holston (1999, 1998)

⁹⁶ An argument also set forth by Chevigny (1995).

⁹⁷ See also Caldeira (2000), and Holston and Caldeira (1998).

Perhaps as both the result and as a cause of the failure of public security, shanty-towns in Latin America's modern metropolises are today among the world's "most dangerous places" (DFAIT, 2006) and levels of crime and violence in Brazil are among the world's highest⁹⁸. To give an idea, in 2003, there were 50 980 homicide victims in Brazil, which indicates a high homicide rate of 28.8 per 100 000⁹⁹ (compared to 1.9 per 100 000 for Canada¹⁰⁰). In 2004, the violent crime rate against property was 485 per 100 000, while the lethally violent crime rate reached the alarmingly high level of 3791 per 100 000 (SENASP, 2004). According to one study (Ituassu, 2006), murder rates in Brazil have increased by 237% from 1985 to 2005, and today constitutes the principal cause of death for youths between 19 and 24.

As a result of the generalized insecurity, a whooping 82%¹⁰¹ of the population in the city of Rio de Janeiro and 49%¹⁰² in São Paulo report feeling unsafe when night falls. Similarly, results from the opinion survey conducted in the satellite cities of Taguatinga and Ceilandia (presented below in Table 2) identify insecurity and crime as the principal source of daily concern and the biggest problem in the two low-income, partly favelized communities.

⁹⁸ See Hojman, (2004); Karl (2003); Arriagada and Godoy (2000); Londono and Guerrero (1999); Ayres (1998); Fruhling and Sandoval (1997).

⁹⁹ See the report on *The Burden of Injuries in Brazil (2003)* by Pinheiro Gawryszewski and Silveira (2006).

¹⁰⁰ Statistics Canada, 2005. Available on-line at:
<http://www.statcan.ca/Daily/English/050721/d050721a.htm>

¹⁰¹ (ILANUD, 1996, c.f. ILANUD, 2002)

¹⁰² (ILANUD, 1997, c.f. ILANUD, 2002)

Table 2. Daily sources of insecurity in two low-income communities¹⁰³

Survey question: <i>What do you see as the biggest problem in your community? (more than one choice possible)</i>	(%)	Frequency
<i>Delinquency, crime, and violence</i>		
Insecurity and crime in your neighborhood	73	726
Drug trafficking and use/ local gangs	55	545
Disrespect and destruction of public property	38	381
Noise coming from bars and clubs	35	353
Fights and arguments	34	343
Alcoholism	35	349
<i>Misrule of law</i>		
Police violence	27.5	275
Lack of police presence	61	611
Lack of access to formal justice system	32.5	325
<i>Local developmental issues / quality of life in the community</i>		
Inappropriate housing/ insufficient private space	30	301
Lack of public green spaces	38	379
Lack of sports centers/entertainment facilities	48.5	485
Urban decay	31	313
Lack of adequate lighting	23	227
Lack of public transport	31	307
Lack of basic sanitation (water, sewage)	22	217

As discussed in the methodological chapter, for clarity purposes in determining the significance of socio-economic variables (e.g., race/ethnicity; class; gender; age), sources of daily insecurity were (sub)grouped according to the three categories: 1) Delinquency, crime, and violence; 2) misrule of law; and 3) Local developmental issues / quality of life in the community. Basically, three new variables separate responses according to each of these three categories, based on the number of respondents who answered yes to one or more of the individual response options that represent the category of crime, delinquency, and violence, and so forth. Given the deep racial divides of Brazilian society, and the reality that darker Brazilians tend to be poorer and the principal victims of police

¹⁰³ Refer to Tables 5 .1, 5.2 , and 5.3 in Statistical Appendix

violence, it is not surprising to find high levels of statistical significance between race/ethnicity and all three categories of daily insecurity¹⁰⁴, indicating that Afro-Brazilians are likely to have higher perceptions of insecurity in other underprivileged and/or favelized communities.

While poverty and its associated problems (e.g., lack of money to make ends meet, unemployment, lack of access to health, insufficient public spaces and sanitation, etc.) are obviously causes of concern for most local residents, crime and insecurity are the principal factors of human insecurity as experienced by citizens on a daily basis. The data clearly indicates, in Table 2, that insecurity related to “delinquency, crime, and violence” is the number one source of daily concern for residents in Taguatinga and Ceilandia, who are also very concerned (61%) with the lack of police presence. Interestingly, 28% of survey respondents also believe that police violence is one of the biggest problems in the community. These paradoxical results may be explained by the fact that as crime and delinquency are the main sources of insecurity for the majority community residents (73%), people want law enforcement authorities to do something about it, which would explain why 61% of respondents felt that the lack of police presence was a big problem in their community. However, it is not because citizens wish that the police would do more about the crime problem that the police is trusted to uphold the law and do its job right, which would explain why as many as 28% of respondents also believe that police violence is a big problem in their community.

¹⁰⁴ Refer to Tables 5.1.1.1, 5.2.1.1 and 5.3.1.1 in Statistical Appendix

Insecurity: Old Feelings, New (And Not So New) Bad Guys

Many authors¹⁰⁵ have observed that, as a result of daily experiences and exposure to crime and violence, Brazilians today are increasingly willing to exchange human rights and democratic guarantees for security. In a fascinating ethnographic study of “Crime, Segregation and Citizenship in Sao Paulo,” Caldeira (2000: 77) deftly captures this dilemma with a quote from a resident from a wealthy area (Morumbi) targeted daily by neighboring favelas for crime:

“We used to think that the lack of freedom and censorship were bad. Today I think the military regime should come back. For example, take the case of kidnapping. It’s absurd the lack of security that one feels. I’m nobody, I don’t have many assets, but I’m afraid that suddenly some guy gets my son in order to ask for ransom of five million. I’m scared to death....”

As insecurity related to real and perceived crime in urban slums spreads to wealthier neighboring communities, which are not only directly targeted for robbery and kidnapping but also often indirectly victimized by lost bullets from gunfire between rival gangs and the police, citizens from all social walks demand “that something be done” to reduce crime— whatever the means, so long as it works, and this has meant targeting the poor generically (read arbitrarily) as a means of crime control.

It has been so frequently observed that it has become almost cliché to talk about the “criminalization of poverty” in Brazil. The problem, however, remains very real as on/off-duty and retired police officers are still commonly albeit illegally employed —formally and extra-officially— as private security guards and *justiceiros*. As Caldeira (2000: 206) describes, “justiceiros, literally, ‘justice makers,’ are groups of men who kill people they consider to be criminals, especially on the periphery. Many times they are policemen, ex-policemen, or

¹⁰⁵ See, for example, Holston (2006); Oxhorn (2003); Caldeira (2000); Méndez, O’Donnell, and Pinheiro (1999); Caldeira and Holston (1998); Falcão (1998); and Pinheiro (1998).

others associated with policemen. Frequently, they operate behind the façade of a private security enterprise.”

Because many cases of police violence are fatal or not reported (due, amongst many factors, to fear of reprisals), it is difficult to quantify the extent of the problem¹⁰⁶. Nevertheless, 1442 cases of civilians killed and 2753 cases of civilians injured by the Military Police were reported in Brazil in 2000, of which 315 deaths and 954 injuries resulted from violence committed by *off-duty* police agents¹⁰⁷.

The private security business is not only more lucrative than the cop’s average monthly wage¹⁰⁸, it is also a line of “duty” which typically entails freedom to use violent measures of social control without the (potentially) restrictive controls of the law. In practice, this means, very plainly put, liberty to “get rid” of the crime and insecurity problem by getting rid of the perceived source of the problem —“suspicious poor people,” guilty by reason of socioeconomic status defect. As Chevigny (1999: 56) argues, “This kind of police violence —shooting suspects of ordinary crimes (or people who merely run away from the police) in the streets— is a form of vigilantism; it is the police version of eliminating undesirables. [...] The connection between vigilantism and police violence is emphasized by the fact that in every place where death squads are used against ordinary criminals, the police turn out to be involved. Furthermore, the police help the death squads. Thus, death squads and the police engage in ‘social cleansing’.”

The strategy is reminiscent of the military regime’s national security doctrine, which, in the official war against the “evils of communism” and the

¹⁰⁶ For an insightful discussion of the complex methodological issues involved with data on police violence in Brazil, see Caldeira, (2000)

¹⁰⁷ See Khan’s (2003) working paper: *Segurança pública e trabalho policial no Brasil* (Working Paper Number CBS-51-04).

¹⁰⁸ For a discussion on the problem of the average monthly police wage, see Pinheiro (1998).

undeclared war on the Left and civil society more broadly, was responsible for thousands of civilian deaths and disappearances in Argentina, Chile, Uruguay, and to a lesser extent Brazil¹⁰⁹. It should not be forgotten too quickly that for the most part of the twentieth century, the military repeatedly intervened in Brazilian politics and society to “restore order” and promote “progress.” This meant dislocating and eliminating poor communities and squatter settlements (Goirand, 2000), as well as disappearing countless citizens suspected of “subversion”—that is, thousands of poor citizens. This was, and still is because in the city, to be poor means living in the “crime-infested” *favela*, and the favela resident is generically construed as a “criminal” to be targeted as part of crime control¹¹⁰ and to be treated as an infectious disease that must be contained before it spreads and contaminates other parts of society. As one disdainful member of the upper-half put it (c.f., Caldeira, 2000: 79-80) when asked about where the people who robbed came from:

“It can only be from the favela! But I won’t say that it *is* the favela, because there are a lot of good people there too....[But I know] by their smell they ought to be from there; because of the smell I think they are!...”

Caldeira provides convincing evidence that the poor, as inhabitants of marginal spaces lacking basic infrastructure (e.g. the favela), are generally considered “unclean,” “polluting,” and “contaminating,” which is associated to crime and evil. As she convincingly argues (2000: 90-92):

“Crime is also a matter of evil, and its explanations are also a matter of authority and cultural constructions intended to tame the forces of evil.... These conceptions [are used] to attack human rights, to support abuses by the police, vigilante groups, and death squads, and to justify the death penalty. [...] People I interviewed felt that the authorities and institutions were clearly failing in their task of controlling places and behaviors; that is, they were leaving open

¹⁰⁹ See, for example, Vanden and Prevost (2002), Dabène (1994); Rouquié (1987).

¹¹⁰ See also Oxhorn (2003); Goirand (2000); Caldeira (2000); Mendez (1999), Holston and Caldeira (1998).

spaces for evil to spread. The verb used to describe the increase in crime and the context in which it occurs were *infiltrate*, *infest*, and *contaminate*. Since evil is contagious, the danger of its spreading fast is immense. [...] Although all human beings are vulnerable to evil, the poor are considered to be closer to nature and necessity and farther from reason and rational behavior than other people. In addition, they are physically closer to the spaces of crime. Consequently they are considered to be at greater risk for being infected with evil.”

In this twisted scenario, vigilantes can benefit from popular support for their “social cleansing” activities, at times amongst those such practices victimize the most —favela residents— because the poor are also the principal victims of the failure of public security and of the high costs of living in areas ruled by criminal gangs and drug lords. From the misguided policies of military dictators and their technocrats to the misguided politics of vigilante-turned cops and their associates, the poor came to be effectively criminalized in Brazil.

In many ways, the “generalized human insecurity” characteristic of low-income communities in modern Brazil remind of military-ruled Latin America and to what Quino described then as “insecurocracy,” for the military in Latin America were infamously known to find insecurity a most opportune excuse for a coup as they called themselves in to “restore order” in *The Name of The Nation*¹¹¹.

In today’s poor urban communities in Brazil, different actors resort to “whatever means available” to obtain justice and security as the System is failing them and state authorities are discredited with inefficiency and corruption. Drug traffickers take over “public security” and enforce compliance to their rules in a new game they —not democratically elected representatives of the people— get to define. The different police agencies and the special task forces assigned to deal with the problem and enforce the Legitimate Law of the Brazilian State also

¹¹¹ For an in-depth analysis of military rule and praetorian politics in Brazil, see Faucher’s (1999) *Le Brésil des Militaires*.

follow their own set of rules¹¹² and ignore the rules of the Rules they seek to enforce. Law-abiding citizens face a difficult dilemma —whose rules to follow when?— and must make strategic choices alternating loyalties to survive and ensure their security. As one Military Police officer I interviewed explains:

“In the war between the police and traffickers, the population [in favelas] stays covered because they know if they help the traffickers, the police will think they are helping the traffickers, and if they help the police, they will be killed by the traffickers.”

While in modern democratic Brazil, the military are no longer “depended upon” to restore order, in many ways the precarious situation of daily insecurity in urban slums across the country constitutes a microcosm of the classic politicized state, and the military are sometimes actually called in for interventions in big cities with major favela populations and big crime problems when insecurity interferes with everyday life a little too closely for comfort. Moreover, basic law enforcement¹¹³ in Brazil is ensured by the Military Police, who not only follow military tradition in name, uniform, command structure, customs, and training, but in the city of Rio de Janeiro further dispose of an ultra-specialized “battalion unit for special operations” (BOPE- *Batalhão de Operações Especiais*) trained specifically in war operations by the Israeli Defense Forces (IDF) and its secret

¹¹² See, for example, Soares’, Batista’s and Pimentel’s documentary novel “Elita da Tropa” for a detailed account of combat tactics employed in favelas by Rio de Janeiro’s elite police task force.

¹¹³ In Brazil, there are three principal police forces (with a number of their own parallel branches) responsible for daily law enforcement and case investigations: the Military Police, the Civil Police, and in some cities the Municipal Civil Guard. The Military Police are responsible for all active law enforcement—that is, they patrol the streets and respond to citizen calls and crime reports, and engage daily in a number of activities aimed to prevent the occurrence of crime. The Municipal Civil Guard exert the same functions and are often in direct competition with the Military Police. Municipal Guards, however, are not supposed to carry weapons, but in fact they do in many cases (as in São Caetano do Sul) either by ignoring, challenging, or circumventing the existing legislation. In all states, the Civil Police—never the Military Police or Municipal Civil Guard— are attributed all investigative responsibilities and powers. The Civil Police are responsible for the questioning and detention of suspects. In actual fact, the “temporary” detention of suspects in Civil Police stations, is often prolonged into months as cases await trial, and even once convicted felons are often sent back to these “temporary” detention cells as the prison population by far exceeds prison capacities).

service (Mossad) for combat missions against traffickers in favelas (Soares, Batista and Pimentel, 2006¹¹⁴).

BOPE agents wear special black uniforms and facemasks, of which the emblem is a skull with a knife planted through it. As the self-explanatory lyrics of their training song indicates, agents are schooled to “neutralize” (read “eliminate”) suspects in favelas as if they were war enemies rather than civilians with rights protected by the democratic constitution:

*Man in Black, what is your mission?
To invade the favela and leave bodies on the ground.*

*Do you know who I am? I am the damned dog of war.
I am trained to kill.
Even if it costs me my life, the mission will be accomplished, wherever it
shall be—
spreading violence, death and terror.*

*I am that combatant whose face is masked;
The black and yellow strip that I boast on my shoulder
Makes me uncommon: A messenger of death.
I can prove that I am a strong one, that is, if you live.
I am.... a hero of the nation.*

*Joy, Joy, I feel in my heart,
for a new day has already dawned,
already I will accomplish my mission.
I will infiltrate myself in a favela,
with my gun in hand, I will combat the enemy,
and provoke destruction.*

*If you ask me where I come from
and what is my mission:
I bring death and desperation, and total destruction.*

¹¹⁴ For example, urban warfare tactics of the IDF used to retrieve suspected terrorists in Palestinian refugee camps, which share the similar maze-like geophysical landscape of favelas, employ special hydraulic guns to blow through the walls of local residences to enable commandos to attain their target directly in a straight line going through people’s houses rather than streets as to avoid exposure to gunfire. This technique is also employed by BOPE agents.

*Cold blood in my veins, freeze my heart,
we are not afraid of feelings, nor compassion,
we love our fellows with whom we were taught
and hate common Military Police [pés-de-cão].*

*Commandos, commandos, what else are you?
We are just damned dogs of war,
we are just wild dogs of war¹¹⁵.*

Despite the existence of the Military Police's BOPE unit, in Rio de Janeiro, the formal military were also called in dozens of times in the past decade to take back control of favelas and surrounding areas when inter-gang warfare threatened public security too defiantly and local law enforcement agencies failed to provide the bare-minimal appearance of having some form of "monopoly" over violence.

The problem is particularly complex in the city of Rio as slums are located on top of hills in the midst of posh residential neighborhoods and tourist areas. Problems within the favela easily become problems for everyone around. When gangs fight among themselves and with the police, bullets fly out and hit passing cars and surrounding buildings. When war turfs for drug distribution within the favela become full-blown, rival gang members have been known to block and blow off all roads of access and entry points to what they consider "their" part of the favela. When the favela is situated in the middle of a busy downtown area, this has posed extraordinary logistical difficulties for daily transport as busy roads and access tunnels were blockaded and dynamited away by the favela lords. When things reach this point, the military are usually called in to "restore order."

Recently, in the city of São Paulo during the Spring and Summer of 2006, the military were also called in when a criminal group (the PCC —*Primeiro Comando da Capital*— First Command of the Capital) waged war on local law enforcement agencies, penitentiaries, and against civil society generally as they

¹¹⁵ Translation by author, cited from Soares, Batista and Pimentel (2006).

targeted public transport. Military units were deployed and dispatched across the city of eighteen million to patrol the streets and restore a sense of order.

As I had the unfortunate chance to be in São Paulo at the time and witnessed the events unfold, it was striking how, given the Human Rights record of law enforcement agencies and the military in Brazil, one does not feel much safer knowing that there are tanks full of armed military personnel roaming the city and primed to use their arsenal. It is a most discomforting feeling indeed to be walking around in mid-afternoon in a nice residential neighborhood going about everyday business and to come across a truck-full of twenty-plus soldiers armed to the teeth with assault weapons pointed at you. It seems reasonable to suppose that this is how favela residents must feel on a daily basis, as they are confronted directly not only to the violence of gang warfare, but further have to fear the possibility that authorities might try to intervene, which might undoubtedly, considering the corruption factor and their reputation for trigger-happiness, make matters that much worse.

As one resident from the favela of Rocinha in Rio de Janeiro dispassionately explained to me, “when the police come, and we always know when they come just before they get here because the drug traffickers have kids working for them as lookouts, we duck for cover wherever we can. When the police come, you have to be careful, they just shoot at everything that moves.” When I asked how was it possible that the police could target local residents so indiscriminately and get away with it —after all, Brazil is still a democracy— he explained that this was, very simply, because “the police know we know they’re coming, and so they know we run for cover and that the only ones left in the streets are those who want to be there, the traffickers and the gang members. They are the only ones who stay out on the streets to fight with the police.”

From the police perspective, according to a patrol officer from the Military Police, the dynamics of combat are not quite the same. According to him, “when

the police goes up to the community [favela], it is not so much that the police goes and shoots at everything that moves so much that the police goes and gets shot *at* by everything that moves, and needs to shoot back for protection and survival.” But even this young, dedicated, and Human Rights conscious officer admitted that in these combat operations, which he considers to be part of “a special war,” “shooting back indiscriminately at traffickers is the only way to get the mission accomplished and hopefully stay alive: You shoot them before they shoot you.” While he did recognize the important collateral civilian casualties resulting from such operations, he reaffirmed this was “a special war,” and argued that the police “did *not* shoot randomly in the direction of unidentified targets but directly at traffickers,” who hide amongst local residents in the community. He further insisted that “I had to understand, these people were bandits, the ‘bad guys,’ and that the police was just trying to do its job and to protect the population, even when the population would not collaborate.”

Given the context of uncertainty, researchers are usually keen on not getting into any trouble with the police —not gang members— during field trips to favelized communities as the threat of the latter is typically considered less significant. In a similar vein, the Rocinha resident I interviewed felt it was necessary to “warn me against” the inherent risks of conducting research in the area:

“You have to be careful when you come here. The gangsters, they don’t mean harm to us, I mean us the people who live here. Depending on the boss— it changes when a rival takes over the business— sometimes they help the local people and try to contribute to the development of the community. The traffickers, they fight amongst themselves and we try to stay out of their way¹¹⁶. The police, when

¹¹⁶ In Brazil and most likely in shanty-towns across the region and in other developing areas, local drug lords tend to rely on traditional populist tactics to win the loyalty of community residents. Thus, when their allegiance is put to the test, and community residents must choose between police forces, reputed for their acts of brute violence and corruption, and the “benevolent trafficker,” some might and many actually do choose to demonstrate their loyalty to the latter. There are many other factors which may also account for the social construction of the trafficker’s benevolent image within favela

they come here, we are not so clear about their intentions. It is not very safe for you here— if I were you I would watch out, and if you see a police patrol get out of the way, anything can happen. It doesn't matter that you are not from here, like it doesn't matter that we have nothing to do with the war [traffickers vs. police].... it's all about being at the wrong place at the wrong time. Just like that [snap of fingers] it can be all over because you happened to be buying some meat at that store at that time and not another and something goes down and there is nowhere to duck for cover."

In general, human rights lawyers and advocates aside, most Brazilians never set foot in a favela unless it is absolutely unavoidable, which is rarely, if ever the case unless one is procuring some kind of illegal good or service. Even the senior researcher responsible for the Zwelethemba pilot in the favela of Jardim Angela had never actually visited the project after it had been running for almost two years, much to the frustration of the team of graduate students (none of whom were from the favela) that were doing all the footwork. But if Brazilians avoid the dreaded favela, they also avoid encounters with the police as much if not more so.

For the vast majority of law-abiding citizens, the usual response to an approaching police patrol is "uh oh," even after one has just been the victim of crime, and even when one is a judge. Brazilian common wisdom dictates that if you are a victim of robbery, the last people you want to call are the police, for if they come they will probably steal whatever you have left, and they might even make you pay them for their trouble, too.

For example, as part of training workshops and interviews for the Zwelethemba pilots¹¹⁷, I was introduced to a Civil Police Chief who admitted, in front of five detectives and a police commissioner from South Africa, to using "whatever means necessary" to obtain confessions and information from suspects

culture, notably, the fact that the drug business is lucrative and generates wealth, which may appeal to poverty-stricken youths with little or no education and grim career prospects.

¹¹⁷ See Fieldwork Appendix 1 for a more detailed description of research activities with the police.

brought to his station “whenever necessary.” The police chief in question had misunderstood my role and felt he could “talk openly amongst cops” since I was accompanying and translating for the Deputy Police Commissioner from South Africa as part of a Zwelethemba workshop. The police chief explained that “while Brazil had formally adopted a new Constitution in 1988 and since then officially respected Human Rights, they too here at the station ‘officially respected Human Rights’ as it could get you into a lot of trouble with the internal affairs people if you didn’t... but amongst cops here we could be more open and talk freely... You do what you have to do when you need to do it to get what you need.”

When I inquired about the station’s reputation in the community and among other local law enforcement agencies, and mentioned the diplomatic blur to an officer of the Municipal Civil Guard (GCM – Guarda Civil Municipal) she stated that she was “horrified but unfortunately, not surprised.” Before she became a law enforcement agent and entered the GCM, she was actively involved with local women’s groups for victims of domestic violence. As part of her activities, she had once accompanied a neighbor to that same police station to register a formal complaint against her husband and request a restraining order after he had severely beaten her broken her bones and destroyed half their possessions with a baseball bat. The attending officer at the Civil Police station listened to the detailed story, and then advised against registering a formal complaint as that “would undoubtedly make matters much worse for her.” He suggested instead that “she get some kind of new age Reiki treatment to clear the ‘bad vibes’ and hurry home to clean up and cook for her husband so that they could make peace.”

When I further discussed the case with the founder of a small NGO active in the favelas surrounding São Caetano, he informed me that São Caetano was infamous for its artificially-maintained low crime level. Civil police officers, who are responsible for registering and investigating crime occurrences, are instructed to discourage citizens from registering their complaints as to maintain low crime rates on paper, and thus bolster property prices. When citizens insist, cases are

referred instead to a neighboring civil police station in the vicinity (but outside the territory of São Caetano). The Commander of the Municipal Civil Guard, who has an officer posted at the civil police station for liaison purposes, corroborates this is more often than not the case.

In this context, one may expect that Brazilians tend to under-report crime victimization. A survey conducted by ILANUD revealed that 72% of the population in Rio¹¹⁸ and 54.5% in São Paulo¹¹⁹ did not report being victim of a crime to the police (and thus never followed the case through to court). This is particularly true for domestic violence (including physical, moral, psychological, patrimonial, and/or sexual violence¹²⁰). A recent national survey (2006)¹²¹ indicates that while violence against women in and outside the house is the principal source of concern for 1 in 3 (33%) women in Brazil, and that as many as 51% of the women interviewed reported knowing at least one woman who has been or is being abused by her partner, only 40% of women have denounced their aggressors.

Considering that the majority of conflicts mediated through the community program case-studies in Brasília and São Caetano do Sul are related to domestic violence¹²², data concerning the under-reporting of conflicts of this nature is of particular interest for this study. In domestic violence cases, offenders are usually reported and taken seriously by authorities only after severe incidence of violence or, in too many cases, death. It is not surprising that the national survey also found that 54% of women in Brazil believe that the services available for cases of

¹¹⁸ (ILANUD, 1996, c.f. ILANUD, 2002)

¹¹⁹ (ILANUD, 2000, c.f. ILANUD, 2002)

¹²⁰ Categories established in conformity with Law nº 11.340 — more commonly referred to as Law *Maria da Penha*—, which was adopted in 2006 to categorize crimes against women committed in the domestic and family realm.

¹²¹ The survey on *Domestic Violence Against Women (Violência Doméstica contra a Mulher)* was conducted by the *Ibope/Instituto Patrícia Galvão*. Data available on-line at: <http://www.patriciagalvao.org.br/apc-aa-patriciagalvao/home/noticias.shtml?x=671>

¹²² According to the community agents interviewed in Taguatinga and Ceilandia, as well as according to the judge coordinating the project in Nova Gerty (São Caetano do Sul), which at this time receives the bulk of its cases through the tribunal of the judge.

violence against women do not work. Consistently, 3 out of 4 (75%) women believe that “the sanctions enforced for cases of violence against women are irrelevant and that the formal justice system treats this drama lived by women as a matter of little importance.”

As data from the Latinobarómetro (2004) further indicates, less than half the population (49%) in Brazil believes that in their country, “justice arrives late, but it arrives”. Similarly, an opinion survey from the Brazilian Bar Association (OAB, 2003) found that 62% of respondents did not have *any* trust in the judiciary power, providing further evidence of severe institutional mistrust¹²³.

In the two partly favelized communities in Brasília where the survey was conducted, 85% of respondents believed that access to justice and the justice system does *not* work the same for all citizens, independently of income, gender, and race. Unsurprisingly given the racial fault-lines of Brazilian society, the chi-square test determined high levels of statistical significance between race/ethnicity and institutional (mis)trust in the formal justice system, indicating that Blacks and mixed Afro-descendants¹²⁴ are likely to distrust the justice system in other underprivileged and/or favelized communities¹²⁵.

Similarly, low levels of institutional trust in the police show that law enforcement authorities are also widely discredited with corruption and inefficiency: 55% of Brazilians report not very much or no trust at all in the police, compared to 20% in Canada (World Values Survey, 1995-1997). Only 21% of Brazilians believe the service provided by the police is “good”¹²⁶; 71% of

¹²³ For the extent of institutional mistrust in the judiciary in Brazil, see also Buscaglia (1995).

¹²⁴ Refer to Table 3.2.1.1 in Statistical Appendix

¹²⁵ 86% of respondents of Afro-descendance answered “no” to the question: “Do you think that every citizen has equal access to the justice system, independently of wealth, race and gender?”

¹²⁶ ILANUD (2000, c.f. ILANUD, 2002)

the population in Rio¹²⁷ and 52% in São Paulo¹²⁸ believe the police is not able to control crime and is not doing a good job. The principal newspaper in São Paulo even published data showing that 23% of city residents were more afraid of the police than they were of bandits, and 33% feared the police and bandits equally¹²⁹!

According to survey results for Taguatinga and Ceilandia, almost half the population (40%) does *not* trust the police to “protect citizens, provide security, and help them when they had a problem.” As for institutional (mis)trust in the formal justice system, as could be expected, the relationship between race/ethnicity¹³⁰ and mistrust in the police is statistically significant, indicating that Blacks and mixed Afro-descendants are likely to distrust the police in other underprivileged and/or favelized communities. Given the high concentration of youths (15-24) in underprivileged communities and favelas in Brazil (Ituassu, 2006¹³¹), the existence of a statistically significant relationship between age and mistrust in the police could also be expected, and was indeed found, indicating the likelihood that youths¹³² (under 30) are likely to distrust the police in other low-income communities.

Citizens at the bottom of the social ladder who feel excluded from the formal justice system and/or unjustly targeted by law enforcement agencies may believe they are entitled to take the law into their own hands. Indeed, if “legal justice exists to domesticate, tame, and control all forms of vengeance in the interest of social peace and fairness” (Shklar, 1988) in theory, but in effect

¹²⁷ ILANUD (1996, c.f. ILANUD, 2002)

¹²⁸ ILANUD (1997, c.f. ILANUD, 2002)

¹²⁹ (Data folha, 1998, c.f. ILANUD, 2002). According to the ILANUD report, the proportion of citizens who feared the police as much as bandits climbed to 56% after a particularly badly mishandled police intervention in the favela of Naval in São Paulo.

¹³⁰ Refer to Table 3.1.2.1 in Statistical Appendix

¹³¹ According to his study, the number of young people between 15 and 24 years old in Brazil grew by 47.3% between 1991 and 2000, and murder remains the number one cause of death for youths (15-24) today.

¹³² Refer to Table 3.1.3 and 3.1.2.3 in Statistical Appendix

perpetuates existing socio-economic, gender and/or racial inequalities in practice, then the formal justice system and traditional law enforcement may not always be considered viable options. What, then, are the alternatives to state-provided justice and security? If the state does not have an effective monopoly of violence and justice and is perceived to reinforce and create more insecurity and injustice, then how do citizens obtain justice and security?

According to the misrule of law literature, the preferred solution for citizens across the class spectrum is private justice and security. Based on data from interviews conducted in the chic neighborhood of Morumbi in São Paulo, Caldeira (2000: 77) establishes a correlation between crime victimization and increased private security: “Each of those episodes [of burglary or robbery] provoked new security measures, new alarm systems and electronic surveillance, many weekends without going out, reduced travel, and so on.” It is true that in Brazil, those who can afford to typically invest in elaborate alarm systems, build walls around their homes, purchase the services of private security guards or relocate to gated communities. For example, in São Paulo, an astounding 61% of civil society spending is directed toward private security (SENASP, 2007¹³³). Even in neighborhoods where community policing units exist—which has been proven empirically to reduce real and perceived insecurity¹³⁴—citizens reported recourse to the numerous private security measures. 57% of respondents have high walls/fences around their homes; 40% have special reinforced doors and windows; 28% own a watch dog; 28% employ a private security guard; 38% have elaborate locks on their doors; 16% pay with neighbors for a local security guard to watch the block; 8% own house alarm systems.

But what about those who can’t afford such private security measures and who live in places where the police are no match for the local drug lords?

¹³³ SENASP, 2007. Data available on-line at:

http://www.mj.gov.br/senasp/estatisticas/custos/estat_custos_econ.htm

¹³⁴ See, for example, Trojanowicz and Bucqueroux (1990); ILANUD (2002); Barkan (1997).

Favela Justice

It is true that criminal organizations and drug traffickers are the lords of the favela, and impose their own parallel rule of law to the community. As one resident in Rocinha explains, there are three simple rules favela residents must abide to:

“First, you didn’t see or hear anything if the police asks. Second, you don’t steal from no one in the favela, because sincethis could attract undesired wanted police attention. Third, you don’t interfere with the traffickers’ business in any way.”

As the experience of Dona Edeneulza¹³⁵ illustrates, nothing goes on in the neighborhood without traffickers knowing about it. When I asked her if she ever ran into trouble with traffickers doing her work in the area, located in a more favelized part of Ceilandia, she replied:

“Not anymore but at first yes. So did Dona Creuza. We were amongst the very first to join the community justice project when it began. At little while after I started working as a community agent, I had a visit at my home. It was the local dealer. He wanted to know what this ‘community agent business’ was about. After I told him, he said that was OK and that I could keep doing it, so long as it did not interfere with his activities.¹³⁶”

Interestingly, “favela justice” can produce security at the same time as it instills fear and terror, in a similar way to how military dictatorships work. Indeed, authoritarian rule involves by definition authoritarian measures of social control, which are remarkably efficient at maintaining crime rates low.

¹³⁵ Throughout this study, names have been changed to protect the anonymity of respondents.

¹³⁶ Translation by the author.

In the favela of Rocinha, the resident I interviewed proudly told me how the parallel security system of the traffickers made his neighborhood one of the safest places in Rio:

“We have our share of problems with the traffickers, but there are some good sides too. No one steals from anyone here. You see over there the clothes hanging? You can just leave them there and no one will take them. You can even leave your purse here outside this door on these steps and no one will steal it, I guarantee it. Just the other day this woman who lives a couple of blocks from here, her clothes that were drying off disappeared. She told someone about it, and 24 hours later the clothes re-appeared exactly at the same spot they had been taken from.”

While the criminally-based parallel rule of law of the favela can have the paradoxical effect of reducing petty crime and in some cases, even domestic violence, overall, it contributes to a daily climate of fear, not security. Indeed, the “safety” of the neighborhood is not something favela residents usually boast about as the potential benefits of low petty crime rates are far outweighed by the heavy security costs of living in an area subjected to criminal rule. Caldeira (2000) explains that “as people turn to illegal and private ways of dealing with crime, crime and violence are removed from the sphere in which there may be a legitimate, comprehensive mediation of conflicts: that is, the judiciary system.” Unlawful alternative justice and security practices cannot guarantee the liberal ideal of “due process” associated to the democratic rule of law¹³⁷. In the realm of private vengeance, justice is “unjust” at the outset. The law of the talion, which dictates the terms of retribution, precludes fair punishment commensurate with the crime committed as respect for Human Rights is of no concern and “crimes” are defined arbitrarily (e.g., being poor, Black, or disrespectful; refusing to comply to the parallel system of rules; being with a partner coveted by a member of the criminal group, etc.).

¹³⁷ See also Oxhorn and Slakmon (2005)

Alternative justice and security practices that take the form of vigilantism, ‘ghetto justice’, death squads, and lynching are concrete manifestations of *unlawful* citizen agency. They constitute parallel (micro)systems of justice and security that exist outside legal boundaries, and that deliver justice and security through channels that are neither monopolized by the formal justice system nor rooted in societal consensus.

The reality-based movie/documentary “City of God” (*Cidade de Deus*), named after the favela in which it was filmed in the city of Rio de Janeiro, provides countless and most vivid graphic illustrations of the paradoxical workings of the parallel, criminal-based rule of law. In one scene, a drug lord hunts down and executes half the kids responsible for a series of recent robberies that hit local merchants in the favela. He then shoots one of the three surviving children in the hand, the other in the foot, and then forces the third survivor — another six-year old— to choose which of his partners in crime to execute, and forces him to carry out the order to show his loyalty. In another scene, the same drug lord rapes a woman and then burns down her boyfriend’s home and kills his family simply because she refused to dance with him at a party.

Such practices are destructive to the social fabric of communities and do not improve access to justice and security. Instead, this parallel rule of law delivers rogue justice for private, vengeful denizens and unwilling citizens— and the already disempowered are usually its principal victims. Illegal forms of local justice and security by definition involve criminal elements, which exacerbates insecurity and dislocates already weakened communities. In the longer term, the legitimacy of formal penal justice institutions is further undermined as the state is unable to provide a satisfactory response to the insecurity unlawful private justice and security creates. Moreover, these practices can reinforce the sense of impunity because they are in effect above the law¹³⁸. As Chevigny (1999: 60) similarly

¹³⁸ *Ibid.*

argues for the case of police violence, “society cannot obtain ‘security’ through [police] lawlessness, precisely because it is lawless.”

I do not question the existence of a parallel rule of law in urban slums, which is a very real and concrete manifestation of the misrule of law in Brazil. But citizens may abide more out of fear than free will. The vast majority of favela and low-income community residents are simply not criminals. As will be demonstrated empirically in this chapter with survey results for Taguatinga and Ceilandia, if they have a problem or conflict which cannot be dealt with by state authorities for whichever reason, they will normally either attempt to resolve the situation peacefully and lawfully, like most rational individuals, or do nothing about it until the problem “naturally disappears” or escalates to an extreme point where formal state authorities are required. Indeed, survey results indicate, while they do not trust them, ordinary citizens still go to the police when their problem requires immediate intervention.

In communities where the state is failing to deliver Justice and to provide public security, some citizens may have recourse to unlawful private security measures and vigilante-style justice. Results for the survey in Brasilia, however, indicate otherwise: For the vast majority of citizens, alternative solutions to public security and formal justice typically involve turning to other law-abiding citizens within the community— that is, mostly family members, fellow church-goers, and community program workers where available— not drug traffickers. Survey results provide conclusive empirical evidence that the poor in Brazil are not the violence-crazed denizens social scientists, policy-makers, the media, and popular culture depict them to be. The data demonstrates that the vast majority of residents in low-income communities are law-abiding citizens, who can and have been exerting different forms of agency *lawfully* on the sources of insecurity affecting their daily lives.

Focusing on lawful rather than illegal forms of citizen-based security in the context of failing public security presents significant advantages from a research perspective. Phenomena that occur within a lawful framework have the benefit of being more likely visible and documented, or at least possible to document. That is, citizens and state agencies who participate in community programs are likely to cooperate and share information for research purposes; corrupt police agents and traffickers are not, and is it unlikely that law-abiding favela residents would be willing to say much about them as it would very likely yield direct retribution despite best efforts to ensure the confidentiality of informants. In the favela, word always gets around. Beyond any potential risks involved for the researcher conducting research in violent crime-laden communities, there is no room for mistake when it comes to the safety of research subjects. Those who act outside the law have something to hide and do not usually appreciate researchers nor the local residents working with them asking around about private justice and corruption.

To determine how local residents in the communities of Taguatinga and Ceilandia usually solved problems and conflicts, they were asked to respond to the following question: "In general, if you have a problem/conflict, who would you ask to help you resolve the situation?" The respondents were given a multiple choice of nine answers. Results are summarized in Tables 3 and 4 below.

Table 3. Usual means of problem-/conflict-resolution in two low income communities in Brazil

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	community justice agents	181	18.1	18.2	18.2
	the police	300	30.0	30.1	48.2
	a public defense lawyer	179	17.9	18.0	66.2
	a private lawyer	114	11.4	11.4	77.6
	a small claims court judge	65	6.5	6.5	84.2
	take matters into your own hands	56	5.6	5.6	89.8
	people from the community	38	3.8	3.8	93.6
	no action	12	1.2	1.2	94.8
	Other	52	5.2	5.2	100.0
	Total	997	99.7	100.0	
Missing	System	3	.3		
Total		1000	100.0		
		0	0		

Table 4. Usual means of problem-/conflict-resolution in two low income communities in Brazil (aggregated results)

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	formal justice system ¹³⁹	658	65.8	66.0	66.0
	community justice agents	181	18.1	18.2	84.2
	Private justice ¹⁴⁰	146	14.6	14.6	98.8
	no action	12	1.2	1.2	100.0
	Total	997	99.7	100.0	
Missing	System	3	.3		
Total		1000	100.0		
		0	0		

¹³⁹ The aggregated variable “formal justice system” includes positive responses for the choice-answers: b) the police; c) a public defense attorney; d) a private lawyer; e) a Small Claims Court Judge.

¹⁴⁰ The aggregated variable “private justice” includes positive responses for the choice-answers: f) take matters into your own hands; g) people from the community (i.e., community leaders, youths from the neighborhood, people from your church, etc.); i) other.

As survey results indicate, while most residents interviewed in Taguatinga and Ceilandia stated they did not trust the police nor the justice system¹⁴¹, the majority (66%) also responded they still *do* resort to the police (30%), Public Defense Attorneys (18%), and Small Claims Court Judges (6.5%) for assistance when they need help solving a problem or a conflict. This is because the poor are, for the most part, law-abiding citizens, not violence-crazed revenge-seeking denizens. This plain fact is further corroborated empirically by the existence of a statistically significant relationship between social class¹⁴² and usual means of conflict resolution¹⁴³, which indicates that the poor are more likely to have recourse to the formal justice system (as opposed to private justice/retribution) to resolve conflicts in other underprivileged and favelized communities.

The data also shows that 18% of all survey respondents *usually* have recourse community agents to help them solve problems and conflicts, providing evidence corroborating the hypothesis that participation in local security networks enables individual citizens residing in underprivileged communities where public security is failing to solve daily conflicts and problems that cause insecurity (and simultaneously unburdens the formal justice system of numerous cases). Similarly, respondents who had prior experience with the community program responded that, were the community justice project services not available, they would ask instead for assistance from the police (21%), a Public Defense Attorney (51%), a Small Claims Court Judge (10%), or a private lawyer (10%). Less than 5% of respondents stated they would “take matters into their own hands” (1%) or

¹⁴¹ As demonstrated with survey results on institutional mistrust discussed earlier.

¹⁴² 79% of respondents identified themselves to the “lower-half,” which included the response-options: “lower middle-class”; “working class”; and “poor.”

¹⁴³ Refer to Tables 2.1.2 and 2.2.2.1 in Statistical Appendix. Chi-square tests further established the existence of a statistically significant relationship between age and usual means of conflict resolution, but not between race/ethnicity, gender, and usual means of conflict resolution. The high level of statistical significance of the social class variable, however, is sufficient to indicate the likelihood of finding similar results in other underprivileged and/or favelized urban communities.

call on “people from the community” (3%) to help them solve a conflict were community justice services unavailable¹⁴⁴.

The data reviewed here indicates that, contrarily to the general assumption in the misrule of law literature, low-income citizens do not typically have recourse to criminal means to compensate for the failures of public security and of the justice system. Providing further evidence that the residents in the communities of Taguatinga and Ceilandia are mostly law-abiding citizens, only 6% of all respondents indicated they would “take matters into their own hands,” which suggests potential recourse to unlawful and violent means of problem-resolution, but does not necessarily involve them either. Indeed, confronting a bully at school, an unfaithful spouse, a noisy neighbor, or an abusive employer all constitute a form of “taking matters into one’s hands” but do not necessarily involve violence or criminal behavior. While it is true that some students will choose to give the bully a dose of his/her own medicine, and that some cheated husbands end up stabbing their wives and their lovers, that some disgruntled residents go as far as to set fire to their neighbor’s homes to keep the noise down, and that daily harassment sometimes leads employees to go on shooting rampages at the workplace, that is not how most people go about solving their problems. Rational individuals usually attempt dialogue before they have recourse to more forceful and violent means.

Similarly, that 9%¹⁴⁵ of respondents indicated they normally ask “people from the community” (3.8%) or “others” (5.2%) to help them solve a conflict does not mean that 9% of residents in Taguatinga and Ceilandia have recourse to justiceiros and vigilantes for problem-resolution. Most respondents specified that “people from church” and “family members” were the usual ones they went to for

¹⁴⁴ See Table 2.2 (p.152). The chi-square test established the existence of a statistically significant relationship with the social class variable (See Tables 2.1.3.1, p.149, and 2.2.2.1, p.155), indicating the likelihood of finding similar results in other underprivileged and/or favelized urban communities.

¹⁴⁵ Refer to Table 2.1 (p.147)

assistance, not “youths from the neighborhood.” One respondent even specified “lawful means” in the space left open in the response-category “Other:_____.” Only one respondent specified she would have recourse to her “boyfriend” if she needed help solving a problem, which could be interpreted as a potentially forceful and violent means of conflict resolution.

Misrule of Law but Misconstruing the Evidence

While there is no doubt about the existence of the misrule of law in Brazil, researchers, policy-makers, the media, film-makers and novelists have also contributed to the criminalization of poverty at the ideational level by assuming that poor people are more violent and *typically* resort to unlawful and violent means of problem-resolution when the state can’t or won’t help. That is, those same intellectuals who criticize the criminalization of poverty as a result of authoritarian social control are in fact themselves contributing to it by embracing this appallingly simplistic and elitist line of reasoning.

People who live in favelas are not all into the drug business, the arms trade, gambling, racketeering, and prostitution. The majority are citizens who work at minimal wages and in the informal sector. Residents of favelas are domestics, maintenance and construction workers, students, self-employed street vendors, salespeople and cashiers, low-level police agents, etc. This point cannot be emphasized enough: Criminals constitute only a small fraction of the favela population. As Naim (2007) plainly put it, “There is no correlation between poverty and crime. [...] This idea is as common as it is wrong.” There is no scientifically valid reason to assume citizens residing in poor areas are inherently more violent and would choose unlawful means to obtain justice and security, especially when presented with alternative options for lawful and peaceful conflict resolution. It is more rational to choose the lawful option as it promises more reliable outcomes and presents less risk.

My research takes the misrule of law discussion one step further and criticizes the critics, who are also guilty of criminalizing poverty at the ideational level by systematically assuming the poor are inherently more violent and usually have recourse to criminal means to compensate for failing public security. A most telling illustration of this bias—for why should it be assumed that the poor are not law-abiding citizens?—is splendidly captured in this power-point slide from the Canadian government’s Human Security Outreach Program¹⁴⁶:

When public security fails, civilians are left to provide for their own security:

“Elite security” ⇒ guards, gated communities, alarm systems

“Slum security” ⇒ gangs, paramilitaries, vigilante groups

Privatization ⇒ social segregation ⇒ community violence

Incredibly, the three alternative citizen-based solutions to insecurity in the case of “elites” are lawful, whereas the three solutions to insecurity in “slums” involve some type of criminal element!

The following excerpts provide further empirical evidence that even the most prominent scholars of the misrule of law have been biased against the poor in assuming that their alternative security means are typically of the unlawful kind, and are therefore contributing themselves in some ways to the “criminalization of poverty” at the ideational level.

While their contributions to the misrule of law scholarship are unequalled in terms of theoretical depth and quality, Holston and Caldeira (1998, 277-278) nonetheless show an unjustifiable bias against the poor when they argue that:

¹⁴⁶CCHS, powerpoint presentation, slide 7, available on-line at:
<http://humansecurity-cities.org/page156.htm>

“Poor people perceive these organizations [death squads formed by members of the police] as more efficient than a justice system in which death penalty does not exist and the judicial process takes forever. The same reasoning leads them to resort to and admire vigilantes, called justiceiros. [...] Poorer people are victims of arbitrariness, violence and injustices committed by law institutions. As a result, they feel that they are left without alternatives inside the law.”

In the same vein, in her brilliant study of crime and citizenship in São Paulo, Caldeira continues, disappointingly, to depict the poor as a group of revenge-seeking denizens who do not hesitate to take justice into their own hands and break the law to compensate for the failure of public security. In her own words:

“Justiceiros may be the only type of security available to the poor. Feeling that the regular police does not protect them, and unable to afford other private security services, many people, especially merchants on the periphery, turn to the justiceiros. Sometimes local merchants will pay to keep order in the neighborhood; sometimes groups formed by residents of a neighborhood take the task of keeping order in their own hands. Frequently justiceiros are involved with gangs and drug dealers” (2000: 206).

Similarly, Oxhorn (2004), widely referenced for his theory of civil society and for his original work on the social construction of citizenship in Latin America, also shows uncharacteristic elitism when he argues that:

“For those who lack the economic resources to hire armed guards or pay corrupt judges and police in order to attain justice, taking justice into one’s own hands in the form of vigilantism or “popular justice” is a growing phenomenon” (for which he provides two additional references¹⁴⁷).

Novelists are no exception. In “Inferno”—in every other aspect a masterpiece of political fiction—Patricia Melo (2000: 185) portrays favela residents as willful and happy to abide to the drug lord’s parallel rule of law, who

¹⁴⁷ See Carrión (2003) and Neild (1999).

is himself portrayed as benevolent, just, and more efficient than state authorities to deal problems that arise in the community daily:

“How much does Dona Das Dorę owe you? José Luis asked. Two month’s rent, the man answered. OK. Here it is, said the trafficker, handing him a wad of bills. And, starting today, Das Dorę will only resume paying when she finds work. Tell the people at the agency. Understand? And you, Dona Das Dorę, start looking for work this very day. The community’s problems were solved in this manner, without argument, and as a result thieves stopped stealing, husbands stopped beating their wives, exploiters stopped exploiting, and Zino, the butcher, stopped selling tainted meat. The ritual was repeated every Monday. Even before he arrived at the office a line of residents had already formed, waiting to make their complaints.”

All the examples above suggest that to compensate for the failures of public security, the poor turn to vigilante-style justice and criminal gangs. What are the options to state channels when public security is failing, Justice is for the rich, and you happen to be poor, and to have a problem that requires immediate attention? What are the options to taking matters into one’s hands, to local thugs, and to *justiceiros*? What does the literature interested in the study of citizen-based security have to say about this?

Unfortunately, not much. Scholars of social science and policy-makers who study problems related to the failures of public security and justice in Latin American democracies have constructed “half-narratives,” and, by not telling the other, lawful side of the story, have perpetuated misrepresentations about how poor people deal with insecurity within the wider epistemic community of Latin American studies. There is an unjustifiable elitist bias in the literature, which takes for granted that the poor are inherently more violent and typically have recourse to vigilante-style justice and criminal means to compensate for the failures of public security and the justice system. As a result, North American (and likely European) academics and students of Latin America who have not actually been to Latin America nor spent time in slums and low-income

communities are (mis)led to believe the poor are generally violent and criminally-minded. This is only true for a very small faction of the population in low-income communities, not for the majority. As knowledge is cumulative, the mistruth carries on across collective imaginaries through space and time, and the poor end up criminalized not only by their own societies and authorities, but furthermore and quite ironically by the latter's local and foreign critics.

The data reviewed in this chapter points to the relevance of community-based programs of conflict resolution for research and intervention initiatives that aim to reduce insecurity in low-income communities where public security is failing and access to the formal institutions of the justice system is limited. But whether they had ever used or even knew of the existence of such projects in their communities, survey respondents did not usually consider recourse to local thugs when they have a problem that requires immediate attention, nor "taking a matter into their hands." Citizens take their problem to justice or to the police even if they don't trust those responsible for applying and enforcing the law. While there is no clear answer as to why citizens would entrust their problems to authorities they clearly distrust, it is reasonable to believe this is mainly for of lack of viable options. Yet mainstream literature almost exclusively features unlawful and violent forms of citizen-based responses to insecurity in communities where public security and justice are failing. Researchers and policy-makers interested in problems related to human security, crime, and violence in underprivileged communities should also focus empirical efforts on lawful, citizen-based solutions to insecurity. In the next chapter, I put the preaching to practice and examine 93 concrete cases of community governance programs in Brazil and South Africa.

Chapter 3. Local Security Networks In Brazil: The Lawful Side of the Story

This chapter demonstrates the second research hypothesis, and examines some of the lawful means through which underprivileged citizens are organized to deal with insecurity in urban slums and low-income communities. I identify and analyze the knowledge-base (i.e. technologies), resources, and institutional arrangements regulating 68 local security networks in Brazil, and then investigate their normative structures. Before analyzing the dynamics of state-society relations within these networks, however, it is important to examine the factors that motivate individuals to participate in the community project in the first place.

This study takes for granted that if the formal state justice system and local law enforcement agencies are discarded as a viable option, recourse to community program services constitutes a more desirable option than private justice or no action at all, as it is more likely to resolve the problem peacefully and quickly to “deliver” justice, which, as argued previously, has the additional effect of providing security.

While the misrule of law literature and Canadian policy papers generally assume that in a context of public security failure and discredited judiciary institutions, the poor will naturally respond to injustice and insecurity with unlawful means and “free revenge,” this study demonstrates instead that, when presented with the option, residents of low-income communities will take their problem to the community program, or the justice system even when distrusted — not the local vigilante or trafficker— to deal with the perceived source of injustice/insecurity. Recourse to this option is more rational as community programs, unlike criminal organizations, comprise mechanisms and institutionalized procedures to ensure “due process,” fairness, and accountability (discussed in subsequent chapters). Without these safeguards, it would not be possible to establish the legitimacy of the (micro)justice process and of its agents, and it would be very difficult to ensure that agreements are peacefully enforced.

Citizens may also have an incentive to participate as “consumers” in community programs to solve problems and disputes because they feel more comfortable and safe communicating with local residents, regardless of, yet especially in contexts of security deficits. Because they share daily problems and like most rational individuals aspire to peace and security, citizens residing in communities in which programs are implemented may also have an incentive to participate in the provision of program services if presented with the option.

Participation in the provision of services may be explained by self-interested motivations in work and sometimes financial rewards (as in the case of the Brasilia project and the Zwelethemba projects in South Africa), and/or for altruistic motives—that is, the “common good,” of which the appeal can not be underestimated in communities plagued by crime and violence.

In São Caetano, community agents were asked to explain why they chose to get involved with the project and go through the mandatory training despite the absence of financial rewards and compensations for their mediation activities. This discussion was conducted as part of training activities, prior to the actual launching of the project in June 2006. The twenty-two local community agents were divided into four subgroups and asked to discuss among themselves why they chose to participate in the project as mediators, especially given the lack of funding to remunerate their work for the foreseeable future, and then to formulate a common answer reflecting the main points of their discussion. Each group debated the issue for approximately 30 minutes, and then provided the following answers:

Group 1 responded:

“We are here because we think that all individual actions have repercussions in the community. Everything starts with “me”. We need to make citizens realize this. We need to ‘*responsibilize*’ the citizens by working in groups and *build* a community.”

Group 2 responded:

“Each individual will grow from participating in community justice. The experience will help to valorize themselves; to augment their self-esteem. It can also help with our own problems at home or at work (us, the agents).”

Group 3 responded:

“We need to work towards justice for all. Even if as community agents we don’t know everything about violence, robberies and lies, we can use our *values* to guide the ones that are stuck in these problems. We need to give to others. By helping the people in the community, we can “find” ourselves. We can know ourselves better. We can do something for the community and make things better.”

Group 4 responded:

“We can learn to harmonize ourselves to the community. We can relate to others because we have common problems. The conflicts that take place in our families are the same in other families.”

Eleven months later, Dona Maria do Carmo, a community agent from São Caetano do Sul, responded the following when asked to explain why she still chose to participate in the project despite the lack of financial rewards or compensations:

“I’m not sure how to explain...It’s a kind of work that brings me much joy. My objectives are the same than for those that brought me to participate in other volunteer jobs: Respect for Human Beings and for Basic Rights. ‘Peace-Making and Peace-Building’ – I learned better the meaning of those words with the South Africans [who provided the Zwelethemba training], they say everything that needs to be said about my objectives. [...] To know that we are balancing moments to hear people without judging them, facilitating dialogue between them, many conflicts can be resolved before they take bigger proportions. Clarifying our way to work during each [mediation] circle, we hope to contribute so that each participant also awakens to a new way of resolving his own conflicts.”¹⁴⁸

In all the responses, helping fellow community members out of a sense of community and shared responsibility came through as the main motivation to

¹⁴⁸ Cited from an interview granted to the project’s research assistant (May 2006).

participate in the community project as “justice facilitators.” Not surprisingly, the majority of community agents, despite their diverse racial, gender, professional, and economic profiles, were consistently also actively involved in community life (advocacy and help groups, church-related activities, local journalism, etc.) prior to joining the program. Pending on how one construes the notion of “self-interest,” it can be argued that community agents participate in the project both out of egoistical or altruistic motives. The relevant point here is that to understand why these citizens participate in the community justice project, we cannot establish a rigid distinction between selfish interest and universalist moral values: Individuals who participate because of personal convictions that it is their duty to help others and contribute to the “common good” of their community are both egoistical and altruistic, for it makes them selfishly “feel good” to selflessly give their time and energies to what they consider to be a “good cause.”

In a similar line of thought, Amartya Sen (1990) argues “against viewing behavior in terms of the traditional dichotomy between egoism and universalized systems. [...] Groups intermediate between oneself and all, such as class and community, provide the focus of many actions involving commitment. The rejection of egoism as description of motivation does not, therefore, imply the acceptance of some universalized morality as the basis of actual behavior.” Mansbridge (1985) also questions the utility of opposing selfish versus altruistic motivations for participation, and further points to the relevance of institutional factors to account for civil society participation: “...while duty or love, the two forms of altruism or unselfish motivation, are valuable in themselves, they must also be sustained by institutions or an environment that provides enough self-interested return to both motivations to prevent actions based on them from being excessively costly.”

Moreover, in addition to the problem of attributing a selfish versus altruistic value to participation justified by “a desire to help others and further the common good” —a philosophical choice that is not mine to make— there is the problem of

plurality of interests. Indeed, there are undoubtedly a number of factors that come into consideration when one makes the individual decision to spend one's resources (time, energy, money, etc.) to participate in community initiatives and social causes, which can contain both altruistic and selfish motivations. For example, while the reasons put forward by Dona Maria do Carmo (cited above) to explain her volunteer participation in the São Caetano community project did not appear self-interested as such, she did have explicitly egoistical motivations for participating at first:

“I work with pregnant women and families and when I saw that it [the Zwelethemba and Restorative Justice training] would be a course on new strategies of conflict-resolution for neighborhood disputes or that involved domestic violence, I thought that it could be useful for the work I already do. The training was excellent, and the workshops are still teaching us. And after knowing the Project, believing it in, it was difficult to get out.”¹⁴⁹

Despite the successful operation of the program in São Caetano without financial rewards and/or compensations for community agents for the costs personally incurred by project-related activities, financial considerations can be an important factor for participation nonetheless. Dona Dora —a community agent from the project in Taguatinga working with the project since its creation— expresses much anger and disappointment with the lack of project funding for actual community agents, especially considering the high profile of the project and its sizeable institutional budget:

“Great agents got out of the project because they did not have enough money for transport. Transport is very expensive. It is not possible to go to [the mandatory mediation and law] classes every week and to do mediations without money— it is all very expensive and very demanding but there are no financial returns. There are too many classes, a lot of agents got out because people need to work. I am without hope that there will be new agents —people ask if there are financial compensations, and are told no, so they give up. A lot of people do the course and then they leave. They are an investment, but

¹⁴⁹ Cited from an interview granted to the project's research assistant (May 2006)..

they leave... People like me who love the project, they stay but have to pay from their own pocket... I don't know if the project will last long as it is—it will not survive—I have hope one day it will be better.”¹⁵⁰

While the reasons explaining why people participate in the consumption, provision, and administration of community programs services are certainly worthy of further investigation, especially when financial compensations are not available, deeper inquiry would likely require a dissertation in itself and is unfortunately well beyond the scope of this study. For the purpose of this research, which is more interested in how and not why citizens participate in community-based justice and security initiatives, it suffices to know that in the cases examined in Brazil and South Africa, individuals participated in the community program as service consumers, providers, and administrators.

Program Profiles

Including the São Caetano do Sul pilot project, there are currently 68 known community governance programs with a justice and security focus operating in Brazil. The 67 other programs were identified through the national survey on “Access to Justice through alternative systems of conflict administration” conducted by the Brazilian Ministry of Justice in 2004, to which I collaborated. Survey findings of interest for this study are summarized below in Table 5.

¹⁵⁰ Translation by the author.

**Table 5. Technologies, Resources, and Institutional Arrangements in 67
Community-Based “systems of conflict administration” in Brazil**

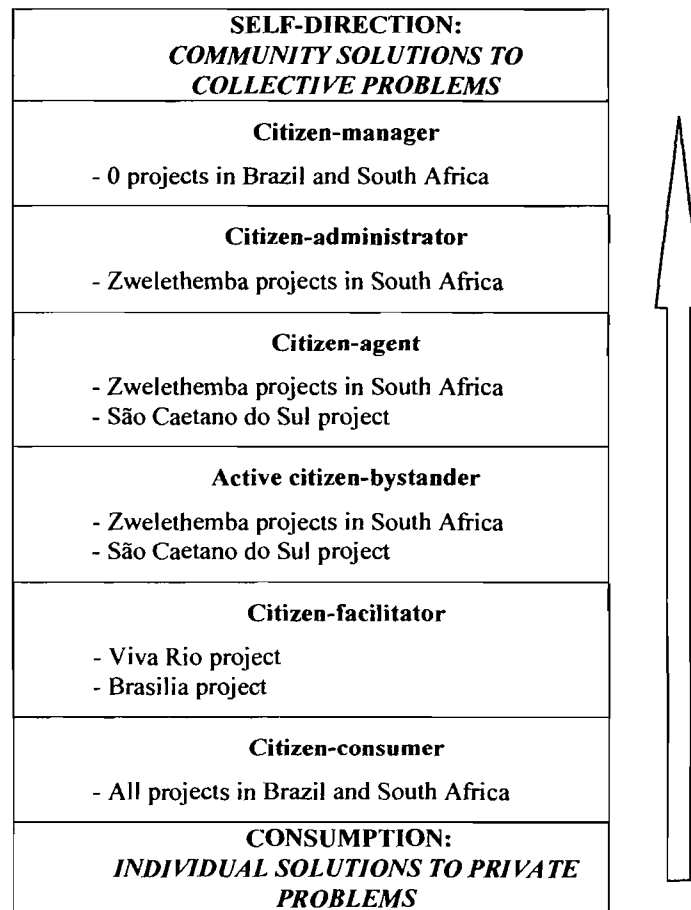
Program characteristic	Frequency (%)
Project was instigated and is mainly funded through a government agency	49
Project was instigated and is mainly funded through a non-state entity (NGO or academic institution)	51
Outside-community partner provides essential services and/or is co-responsible for project administration	100
Project specifically targets low-income communities	30
Project specifically targets minorities and/or “groups at risk”	24
“Popular classes” are the principal service consumers	79
Service consumers have “little or no education at all”	57
Service providers are local residents from the communities where the project operates	15
Service providers are outside-community professionals with expertise in the areas of law, psychology and/or social work	78
Service providers are required to have university training and/or experience in community development and/or social work	88
Mediation training of service providers is provided by outside-community professionals with expertise in the areas of law, psychology and social work	78

Alternative, community-based “systems of conflict administration” enable citizens to participate to varying degrees in the micro-governance of security at the local level through the window of conflict mediation. The programs are implemented and administrated within the physical boundaries of the communities they attend, but, as this study shows, not necessarily through local channels and actors, pending on the nature of institutional arrangements linking the “community nodes” with its various “outside-community” partners. As the data presented here indicates, to operate, local security networks rely on different types of cooperative partnerships with state agencies and non-state actors such as international organizations, non-governmental organizations (NGOs) and academic research groups (or “epistemic communities”).

If the theory of local knowledge is right, however, as nodal theorists believe based on empirical findings for the Zwelethemba experiments in South Africa, then there is something wrong with the data figured above. Indeed, in 15% of cases (10 projects) only are community service providers required to actually be residents in the communities in which the programs operate. Even if we add the São Caetano do Sul Restorative and Community Justice Project, which was not included in the national survey, still only a small percentage (16%) of community-based governance programs in Brazil rely on people from the communities they attend to operate. The fact that 78% of community-based “systems of conflict mediation” in Brazil do not employ local residents but instead university-trained outside community professionals with expertise in the areas of law, psychology, and social work provides further evidence that community governance projects in Brazil are plagued with a programmatic bias which creates monstrous bureaucracies that undermine citizen agency.

Similarly, in 88% of cases, service providers rely on professional expertise rather than local knowledge for mediation activities, which means that in the majority of community programs operating in Brazil, services are provided not only by outside community professionals, but based on outside-community knowledge and expertise.

Building on comparative results for Brazil and the Zwelethemba experiments in South Africa (summarized below in Figure 3), I identify six distinct forms of citizen agency defined in terms of participation in community governance programs: 1) Citizen-consumer; 2) Citizen-facilitator; 3) Active citizen-bystander; 4) Citizen-agent, 5) Citizen-administrator; and 6) Citizen-manager. Schematizing comparative results in an ideal-typical model enables us to see how different models of micro-governance enable different forms of individual and collective citizen agency on insecurity.

Figure 3. Citizen agency in Brazil and South Africa

The institutional arrangements regulating the forwarding of cases between the different community nodes and the multiple outside-community nodes (which will be discussed in greater detail further in this chapter) enable us to determine how power is distributed amongst the different actors within the local security network and thus the different levels of agency the project empowers citizens as private individuals and as a community.

In the cases of Brasília and Rio de Janeiro, power within the local security network is concentrated in the hands of outside-community actors, who provide and administrate most community program activities themselves. The power

structure underlying the institutional configurations for these two community programs do not empower citizens as a collectivity —as communities— to identify and implement solutions to collective problems of insecurity, but rather enable individuals to solve private problems that cause insecurity within the physical boundaries of their communities, provided with the assistance of professional outside-community experts.

Conversely, the power-structure is more diffuse and decentralized in the local security networks in São Caetano do Sul and in the Zwelethemba projects in South Africa, as local community residents are allowed to participate in the community program as more than consumers and facilitators bridging the community to the experts. However, because the project in São Caetano still lacks financing and infrastructure to have a community fund for *peace-building*, it enables only a “middle-range” level of citizen agency. It empowers local residents to work collectively as a community to address shared problems of insecurity through *peace-making* activities, but does not empower the community as such to deal with the generic causes of insecurity stemming from poverty and underdevelopment.

Community Nodes

Community participants in local security networks can be classified into five broad groups of citizens, although, as discussed in the methodological chapter, citizens may belong to more than one group or to different groups at different times. Citizens who participate in the community program as local service *consumers*, concerned third-parties (e.g., *active by-standers*), service “*facilitators*,” local service providers (e.g., “*agents* of Justice”), and service *administrators* constitute the five principal “community” nodes in the security networks examined in Brazil and South Africa.

First, citizen-consumers are evidently on the “taking” end and are principally defined by their use of local community program services to solve a problem or mediate a conflict. All cases examined in Brazil and South Africa enable the residents of the communities where the projects operate to use program services free of charge. It is important to emphasize that while citizen-consumers are fundamental to the local security network, these individuals do not constitute a node per se as they do not function as an organized group disposing of its own technologies, resources, institutional structure, and mentality.

Second, active citizen-bystanders also have an important role to play in the community-based governance of security. They are local residents who participate as “third parties” in mediation sessions, and help monitor compliance to the problem-solving strategy disputants agree upon (“Plans of Action” in Zwelethemba-speak). They are concerned relatives, friends, co-workers, neighbors or community residents who have been directly or indirectly affected by the conflict and are mobilized in the process of finding a sustainable and satisfactory solution to the problem, which they can help carry out. While all the Zwelethemba projects in South Africa comprise mechanisms to ensure third-party involvement in mediation sessions (or “Peace Gatherings”), in Brazil, active citizen-bystanders were only found in the case of the São Caetano do Sul Restorative and Community Justice project. Interviews with community agents in Brasília and São Caetano before and after the fusions suggest that the lack of third-party involvement in mediation sessions is not so much due to the fact that Brazilians are reluctant to get involved in the affairs of others, but rather because the projects lacked the technology to get third-parties to participate.

Third, citizen-“facilitators” were found only in the cases of Brasília and Rio de Janeiro. They are local residents who serve as a link between service consumers and the outside-community experts providing the services to the community. Citizen-facilitators either do not actively participate in the actual provision of mediation and legal orientation activities (as in the case of Viva Rio),

or do not rely on their own knowledge and capacities when they do (as in the case of Brasilia).

In the case of the Viva Rio project, citizen-facilitators act as a bridge between community residents and professional experts by fulfilling the role of physically bringing people from the community to the mediation center ran by volunteer law students and remunerated outside-community experts, who provide the mediation services themselves.

In Brasilia, local community residents are allowed to provide mediation services, but are required to consult with a team of outside-community experts (social workers, psychologists, and legal aid consultants) for each case they attend, and therefore do not rely principally on their own knowledge to provide services to fellow community members. For this reason, I consider local residents involved in the provision of community program services in Brasilia and Rio de Janeiro to be “service facilitators” and not actual “service providers” who can act as agents of justice based on their own knowledge and capacities.

Only the São Caetano do Sul community program and the Zwelethemba projects in South Africa have institutional configurations that enable community members to exert agency on insecurity as service providers who operate based on local knowledge and capacities. Ironically, local residents engaged in mediation activities are called “community justice *agents*” in Brasilia and “rights agents” in Rio de Janeiro (while in both cases they are in fact “facilitators”), and are called “justice *facilitators*” in São Caetano do Sul (while they are actually “agents”). In the Zwelethemba projects in South Africa, individual members from the community who participate in the provision of mediation services do not have a title per se—they are members of a Peace Committee.

Fourth, “citizen-agents” are the residents who act as the actual mediators between conflicting parties, relying on their own particular knowledge of shared

community problems. They receive basic training in mediation to act as peace-makers and help bring disputes to a peaceful resolution, as well as to assist community members in forwarding their case to the appropriate state authorities when such action is warranted. The role of citizen-agents is to facilitate the gathering between conflicting parties and to help the disputants come to a peaceful and satisfactory solution. The community agents help frame the discussion to ensure that each party has equal opportunity to speak and be heard, and encourages dialogue between disputants with the objective of helping them find a solution that is acceptable to all the parties.

The involvement of community members as mediators, facilitators, and third-parties in mediation sessions has two important effects on power that ensure the fairness of the micro-governance process. It diffuses decision-making power for conflict resolution between a number of actors with different interests (disputants, mediators, and other participants affected by the conflict), at the same time as it balances the power between the conflicting parties

If the conflict is not resolved within the first mediation session, another session is scheduled in the following days or week, and they meet again, as often as necessary (3-4 sessions within one month is the usual time-frame¹⁵¹) until the conflict has been resolved and all parties are satisfied with the solution.

In community programs, due process is guaranteed with the timeliness and the “professionalism” of mediation services. Once cases are brought to the attention of project staff, the case is usually dealt with in the immediate following days. Citizen-agents contact conflicting parties and meet with them separately. They then schedule and conduct a mediation session in neutral grounds, where disputants and related others (“third-parties”) get together to discuss the problem.

¹⁵¹ Guesstimation based on consultations with community agents in Brasília and São Caetano do Sul, and project coordinators from IdeasWork.

Once an agreement has been reached, a written document is usually signed by the conflicting parties and participants. This serves a symbolic function to demonstrate one's willingness to abide to the decision. In some cases, the document can also have legal value in case of a breach of the agreement. The signed document (or Plan of Action), which clearly states the terms of the agreement and the means that will be employed to fulfill agreement requirements, is the primary mechanism ensuring the accountability of the process.

Citizen-agents, citizen-consumers, and "third-parties" share the responsibility of monitoring adhesion to the agreement and its requirements. If one of the parties fails to abide to his/her end of the deal, the issue is brought to the attention of community agents or project staff, who either schedule another mediation session to attempt to resolve the problem, or directly forward the case to formal state authorities depending on the specific terms of agreement and the nature of the case.

Factors of user satisfaction would certainly warrant further investigation, but they are not a main concern for this study, which is more interested in explaining patterns of participation (or different forms of citizen agency) and understanding their institutional and normative contexts. Nevertheless, it is worth noting that of the survey respondents in Taguatinga and Ceilandia¹⁵² who had actually used the services offered by the community justice project (11%), 92% responded being "satisfied" with the services received¹⁵³.

¹⁵² Data based on frequency of positive responses ($f = 108$) for survey question #3: "Have you ever used the services offered by the Community Justice Project?"

¹⁵³ Data based on frequency of positive responses ($f = 99$), including the categories "very satisfied" and "somewhat satisfied", for survey question #5: "If you used the services of the community justice program, were you satisfied with the outcome?" (Refer to Table 4.1, p.98). Chi-square tests determined that there was no statistically significant relationship between socio-economic characteristics of survey respondents and positive responses to this question. Thus the variables of race/ethnicity, class, gender, and age can not be generalized as determining factors for user satisfaction outside the sample of 1000 respondents (of which only 108 have used community program services.)

While there is no data currently available for Brazil to demonstrate empirically that solutions adopted by disputants in the mediation sessions were respected and efficient, the survey data reviewed here shows, in general, that residents of Taguatinga and Ceilandia who have used community justice services were satisfied with their experience. In São Caetano do Sul, of the sample of 11 cases examined, 7 were successfully solved with a Plan of Action, of which 4 were severe cases involving physical assault. The data presented earlier from the Zwelethemba experiments in South Africa (i.e., 98% of conflicts were resolved with a Plan of Action) and from Buscaglia's study in Colombia provide further corroboration for the hypothesis that community-based dispute resolution programs work to produce security through conflict mediation.

Finally, citizen-administrators do not yet exist as such in Brazil and were only found in the community governance experiments in South Africa. Citizen-administrators are the community agents responsible for peace-building activities. They identify and prioritize the generic causes of insecurity in their community, decide how to address the issue and how much will be invested for the task from the peace-building fund, and then contract local residents to carry out the strategy.

Citizen-administrators are accountable for the community fund, but are ultimately accountable to "citizen-managers" who themselves are accountable to donors who finance the community fund and the community program more generally. There are currently no citizen-administrators in Brazil as even the very liberal São Caetano project coordinator will not take responsibility for a community fund yet—the potential for corruption and nepotism is, he believes, simply too explosive. This concern is also shared by institutional partners at UNDP and the Ministry of Justice, which has undermined efforts by representatives of the IdeasWork organization to consolidate the peace-building dimension of the project.

In an ideal world where theory could always be put to practice, there would also exist “citizen-managers” responsible for daily project management activities, such as: Attributing cases received to service providers; keeping track of accounts and filing records; issuing payments; coordinating human resources; project dissemination; and ensuring financial sustainability (e.g., applying for grants to guarantee continued funding). But even in South Africa, no Zwelethemba project was yet able to empower local citizens as the managers of their community programs, and outside-community academic partners continue to monopolize the program management.

Outside-Community Nodes

“Outside-community” bureaucratic partners provide indispensable financial and human resources for the preliminary and continuing mediation training of service providers, as well as for the physical infrastructures, material (operational, didactic, dissemination), and administrative and support staff for the program. Most community program activities are entirely financed by outside-community partners, who also put in place and maintain incentive structures (usually in the form of small financial compensations and rewards for community agents for their activities) to ensure the projects’ viability and continuity.

The outside-community actors constituting the Bureaucracy in the local security networks examined in Brazil and South Africa can be grouped into three principal categories (or “nodes”): 1)The expert-node; 2)the funding-node; and 3)the case-forwarding node.

Expert-nodes are constituted by outside-community university-trained professionals, who are permanently or temporarily employed by the community program but do not reside in the communities where the projects operate. In the three cases examined in Brazil, expert-nodes were constituted by certified

professionals with expertise in the areas of law, psychology, social work, and social science for the Zwelethemba training workshops in São Caetano do Sul and Brasília. Expert-nodes provide the knowledge (e.g., peace-making and/or peace-building skills) and technology (e.g., didactic material, data registration forms, and evaluation methodology) service facilitators and providers require to help local residents address and solve daily problems that cause insecurity. As discussed previously, in the cases of Brasília and Rio de Janeiro (as in the vast majority of community programs in Brazil), expert-nodes provide mediation and legal orientation services to the local residents themselves.

Funding-nodes provide the financial resources necessary for the community program to operate, including: Remuneration for outside-community service providers (in the case of Brasília and Rio de Janeiro); remuneration for project coordinators and professional staff members (in all cases); remuneration for local service facilitators (in Brasília only); fees incurred as part of the mediation training (in all cases); as well as funding for daily operational costs (e.g., rent or purchase of a physical space for mediation activities and project administration; office material and supplies; project evaluations; didactic material; dissemination and advertising; etc); and funding for peace-building activities in the case of South Africa.

The main funding nodes for the Brasília Community Justice Project and the São Caetano do Sul are constituted by: The Federal District and Territories Tribunal of Justice in Brasília and the São Paulo Tribunal of Justice, the United Nations Development Program for Brazil, the Special Secretariat of Human Rights, and the Secretariat of Judiciary Reform.

The budget distribution for the Brasília project illustrates well the problem of heavy and costly program bureaucracies. In 2005, of the 814 495.28\$ Brazilian *reais* (roughly 400 000.00\$ USD) attributed to the project by the Federal District Tribunal of Justice, not one single *Real* went to local community agents (e.g.,

“citizen-facilitators”). The bulk of the budget (785 385.28\$ Reais) went to pay for salaries for the coordinating judge and seven civil servants, all of which the project could do well without as the Zwelethemba experiments in South Africa have demonstrated for the past 9 years. When citizen-facilitators in Brasilia that year did get paid as promised for their mediation activities, it was with funding provided by the Ministry of Justice’s Special Secretariat of Human Rights, which has a very limited budget and remains highly constrained by bureaucratic ties. In practice, this meant that the money pledged never arrived on time, if it ever arrived, and community agents were not allowed to receive payments retroactively. As a result, they ended up doing most of the work voluntarily most of the time, which, in addition to dependence on an outside-community team of experts, is less than empowering and antithetical to the idea of community-based governance. As Dona Dora, an agent from the community project in Taguatinga, bluntly put it:

“We know there is a lot of money that comes into the project from other partners, but we never see it. It goes for something else. There are a lot of us who think this way but no one has the courage to speak out. They produce super expensive dissemination material to send to other tribunals in other states but there is never any money for us. The [community justice] book, it is a lot of noise for nothing concrete, the community is not receiving anything really... Everyone thought it was beautiful, but in reality it could be more useful for the community... Everyone thinks it is wonderful but... there is something missing.”¹⁵⁴

Similarly, the Viva Rio Project, before its untimely bankruptcy in January 2007, disposed of an immense global budget of 19 632 172\$¹⁵⁵ reais (in 2004¹⁵⁶) that served to finance mostly community mediation initiatives administrated essentially by outside-community staff and experts. The project operated in over twenty favelas across the city of Rio with funding provided by multiple local and

¹⁵⁴ Translation by the author.

¹⁵⁵ Approximately 9.5 million US dollars.

¹⁵⁶ Viva Rio annual budget (2004), available on-line at:
<http://www.vivario.org.br/relatorio/2004/en/pages/Slide28.htm>

international partners from both the public¹⁵⁷ and private sectors. In 2004, while the largest part of the budget was allocated to community mediation activities (15 941 045\$ Reais¹⁵⁸), citizen-facilitators were not remunerated for their activities. The professional outside-community salaried staff of 1399 employees¹⁵⁹ (!) was bound to take its toll on the project, as its unfortunate closure due to financial problems confirms.

The community project in São Caetano do Sul is principally funded by the Secretariat of Judiciary Reform, the United Nations Development Program for Brazil, and the São Paulo Tribunal of Justice. The project, however, does not dispose of an annual budget at this time. The salary for the coordinating judge and the costs incurred for project material are incurred by the Tribunal of Justice and sometimes at the personal expense of the judge (for example, for printing t-shirts for justice facilitators with the name, logo, and contact information of the community project). It should be emphasized here that contrarily to the judge in Brasília (who was liberated from her judge duties to coordinate the community project), the judge coordinating the project in São Caetano is remunerated by his tribunal for the functions he fulfills on the bench, as a judge, not as a project manager. The time and resources this judge devotes to the community project are outside tribunal hours and entirely voluntary. The São Paulo Tribunal of Justice provides mainly institutional support for the project by forwarding cases to community agents, and by lending its name, one of its formal representatives (the judge coordinator), as well as office supplies to the community program. Contrarily to the community project in Brasília, which operates from two tribunal-owned buildings in Taguatinga and Ceilandia (the “community center” is literally within the Tribunal of Justice in the case of the latter), the community project in

¹⁵⁷ Almost half (47.6%¹⁵⁷) of the 2204 budget for program activities was financed by national state agencies and international government aid agencies.

¹⁵⁸ Viva Rio Annual Report (2004), available on-line at: <http://www.vivario.org.br/relatorio/2004/en/pages/Slide29.htm>

¹⁵⁹ Viva Rio Annual Report (2004), available on-line at: <http://www.vivario.org.br/relatorio/2004/en/pages/Slide27.htm>

São Caetano do Sul does not own its own physical infrastructure and relies on collaboration from a local school for operational space for mediation activities.

In São Caetano do Sul, local service providers are not currently remunerated for their mediation activities, but they could be receiving payments following the Peace Committee model in the Zwelethemba projects in South Africa once the project consolidates its funding structure and outside-community partners (the Bureaucracy) are able to agree on their respective mandates and responsibilities. The outside-community partners provided the initial funding to implement the project (e.g. costs incurred for training and dissemination activities), but are still debating the responsibility for the payment of community agents and the community fund. The problem for the payment of community agents for their mediation activities, as in the case of Brasília, is due to a fear of being sued by community agents for unemployment insurance. To avoid such lawsuits, in Brasília, the community agents are legally considered “volunteers”, and they do not get “paid” for their work but rather “reimbursed” for the guesstimated costs incurred by the mediation process, such as fees for transportation, phone calls, food, etc.

Case-forwarding nodes such as police agencies, tribunals, and local associations are central in local security networks. Their role is to reference (or forward) cases they receive from the community to the community program. The relationship between case-forwarding nodes and the community nodes is an excellent illustration of state-society collaboration (or civil society cooperation when cases are referenced from other local organizations) through decentralized networks for the regulation of a specific issue-area.

In local security networks, case-forwarding nodes are constituted by formal authorities of the justice system (police officers, judges, defense attorneys, and prosecutors) and local associations who collaborate with service providers by forwarding cases to the project when the problem can be solved through

community channels and disputants agree to it. In the case of the Zwelethemba projects in South Africa, the South African Police Force (SAPS) was a key partner in the early phases of the project, although the collaborative relationship with Peace Committees was not operationalized right away to enable the projects to first establish legitimacy (without any association to the police) within the communities. Such collaborative arrangements were also formalized by the Viva Rio project with local police authorities in Rio de Janeiro, but it appears the partnership was seldom operationalized through actual case-referrals from police officers to the community project. In the case of São Caetano do Sul, partnership agreements were operationalized with the São Paulo Tribunal of Justice and the Municipal Civil Guard in São Caetano, which reference the bulk of cases the community project currently handles. As the judge coordinator explains, empowering the community to work in collaboration with his Tribunal and local police agencies to solve community problems daily is at the very heart of the project:

“If recourse to the (mediation) circles is the result of spontaneous action by those involved in the situation, nothing will be communicated to the police or the judge. However, if the persons come to an agreement and wish for the judge to confirm it, the (local justice) facilitators will forward this request made by the participants of the circle and those involved in the conflict, along with its Plan (of Action), to the local tribunal on the following Monday, for immediate reception. A lawyer and a Crown Attorney will be present to assist and the Plan will be corroborated by the judge. That is the preoccupation of Justice: To help people resolve their problems. That is why if a case arrives at the police station or court, and if everyone agrees during the hearing, with the presence of a lawyer and a Crown Attorney, the case can be suspended and the parties will be forwarded to the justice facilitators so that, together and with their support, they find the best solution to the conflict. That agreement, given it is respectful and attending to the needs of all, will be corroborated by the judge and the case will be dismissed.¹⁶⁰”

¹⁶⁰ Translation by the author. Extract from the project informational booklet distributed on its inaugural day (June 22nd, 2006).

In Brasilia, the judge coordinating the community project actively opposes collaboration with her tribunal and security agencies through case-forwarding. The judge has resisted initiatives designed to promote collaboration with police agencies not only from institutional partners at the Ministry of Justice and UNDP, but from police agencies themselves, who have explicitly expressed a desire to cooperate with the community program. The judge admits to being herself afraid of the police, and further stated that “any association with police agencies would scare off local residents and dissuade them from using program services¹⁶¹.”

Conversely, some police officers are reluctant to work with the community. The deputy colonel from the Military Police in São Paulo responsible for the community policing initiative in collaboration with the São Caetano do Sul project is reluctant to lend his name and staff to the project as he worries community members and leaders will take advantage of the good relationship with police officers to further their own selfish interests, or, worse still, to coerce fellow community members into actions against their will with the threat of getting their “good friends from the police” involved if they refuse. Such cynicism appears misdirected, for community agents are for the most part afraid of the police and, ironically, fear for *their* good name and the project’s in the event of collaboration with the police. As a result of the community projects’ and the judiciary’s reluctance to work with police agencies in joint initiatives, most micro-governance programs in Brazil do not have institutionalized mechanisms to enable case-forwarding between the community and the police.

The different institutional configurations enabling case-forwarding from the community and the justice system (police agencies included) to the local security networks in Brasilia, São Caetano do Sul, and Rio de Janeiro are summarized and compared to the Zwelethemba model below in Table 6.

¹⁶¹ Cited from personnal communications with the judge as part of routine project management activities prior to the (failed) fusion experiment.

Table 6. Dynamics of state-society collaboration in 4 local security networks

Problem/ dispute is forwarded from:	Zwelethemba Model	São Caetano Restorative & Community Justice model	Brasilia Community Justice model	Viva Rio model
community to community program	<ul style="list-style-type: none"> - Disputants know of the existence of the project - Communities have the resources to solve the problem - All parties agree to participate in a "Gathering" 	<ul style="list-style-type: none"> - Disputants know of the existence of the project -The local association working in the area of public health references a case to the project -Communities have the resources to solve the problem -All parties agree to participate in a "Restorative circle" 	<ul style="list-style-type: none"> - Disputants know of the existence of the project - The community program's team of legal counselors, social workers and psychologists has the resources to help community agents (service facilitators) help local residents solve the problem - All parties agree to participate in a "Mediation session" 	<ul style="list-style-type: none"> - Disputants know of the existence of the project - The community program's team of legal counselors has the resources to help community agents (service facilitators) help local residents solve the problem - All parties agree to participate in a "Mediation session"
police to community program	<ul style="list-style-type: none"> -Police agents know of the existence of the project - Communities have the resources to solve the problem - All parties agree to participate in a "Gathering" 	<ul style="list-style-type: none"> - Police agents know of the existence of the project -Communities have the resources to solve the problem - All parties agree to participate in a "Restorative circle" 	- not an option	<ul style="list-style-type: none"> -Police agents know of the existence of the project - The community program's team of legal counselors has the resources to help local residents solve the problem - All parties agree to participate in a "Mediation session"
court to community program	- not an option	- All parties agree to participate in a "Restorative circle"	- not an option	- not an option
community program to court	- Mediation process failed; communities do not have the resources to solve the problem	- Mediation process failed; communities do not have the resources to solve the problem	-not an option	-Mediation process failed; team of experts does not have the resources to solve the problem
community to police/ court	- Immediate law enforcement or legal action is required	- Immediate law enforcement or legal action is required	- Immediate law enforcement or legal action is required	- Immediate law enforcement or legal action is required

Comparing these four models is useful to identify the different partnerships regulating the network and to understand how power is distributed amongst the various nodes within the network. For example, of the four models, institutionalized mechanisms to enable collaboration through case-forwarding

with other civil associations, police agencies, and the local tribunal were only found in the case of the São Caetano do Sul project. This finding is of particular interest when compared to the Brasília project, which is also coordinated by a judge and funded by some of the same partners (UNDP and the Secretariat of Judiciary Reform) with the same programmatic objectives (e.g. human security through access to justice and community empowerment), but does not enable any kind of collaboration with either civil associations, police agencies, or the local tribunal of justice.

Interestingly, the comparative analysis of the four models also reveals that while the original Zwelethemba model empowers citizens the greatest level of agency according to the ideal-type, only the São Caetano do Sul project disposes of institutionalized mechanisms to enable cases to be forwarded from the local tribunal of justice to the community program, which constitutes a rare functional example of synergetic state-society collaboration through community governance, and provides further evidence corroborating the added-value of local knowledge for conflict resolution.

Comparative analysis also reveals important shortcomings in the institutional design of community governance models: The Viva Rio project, internationally acclaimed and widely referenced as a best practice in community governance, appears limited at best and dysfunctional at worse in terms of community empowerment compared to the São Caetano do Sul and Zwelethemba models.

How to explain the variegated results observed in Brazil and South Africa and within Brazil? Why does community governance work well in South Africa but reduces citizen agency to consumption in the majority of cases in Brazil? Why do the projects in São Caetano do Sul and Brasília, both coordinated by judges and financed by mostly the same partners, enable community agency in São Caetano but not in Brasília?

To answer these questions, we must investigate deeper and ask a more fundamental question: What determines the power structures that determine the institutional configurations regulating local security networks in the first place? In other words, what are local security networks “made of”?

Chapter 4. The People versus The Bureaucracy

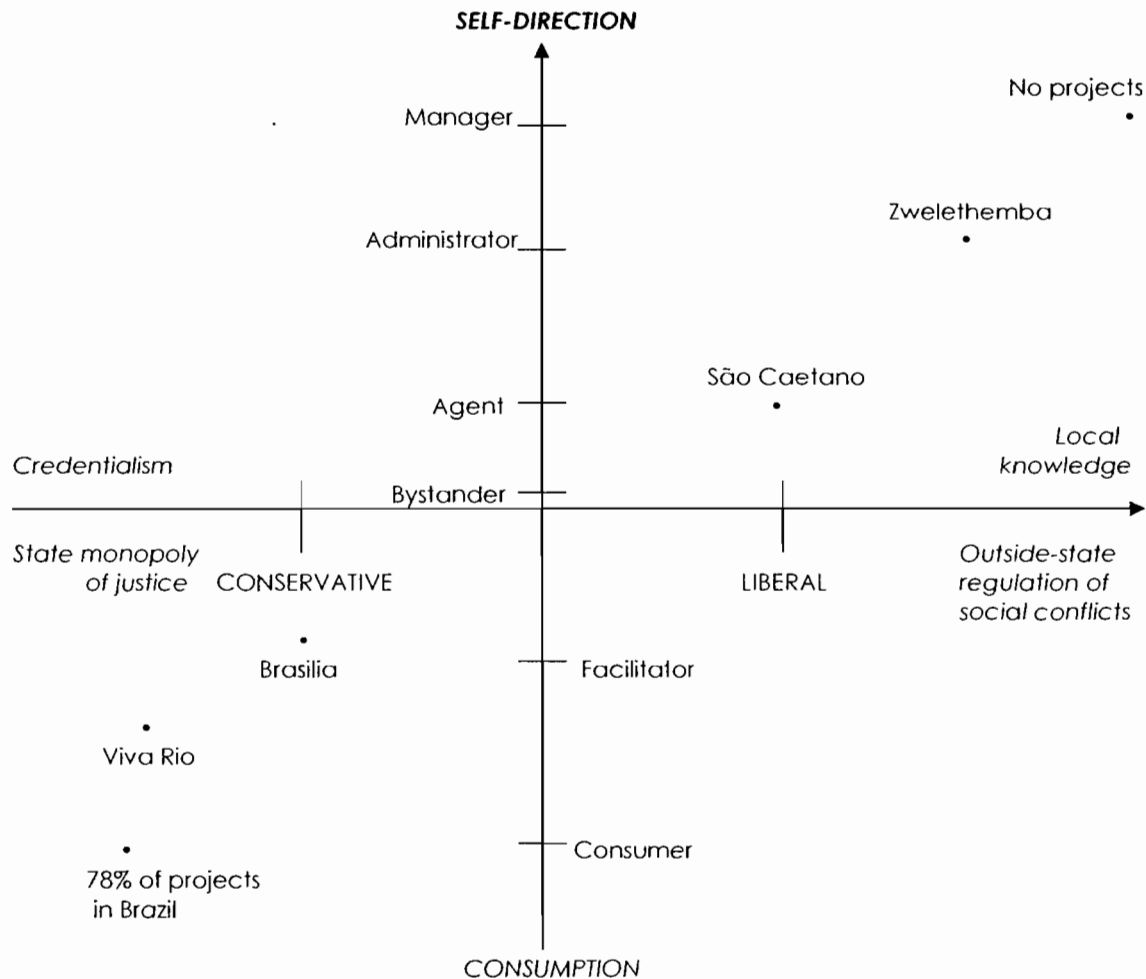
This chapter demonstrates that the variations observed between Brazil and South Africa and within Brazil can be largely explained by the opposing *norms and ideas* of Bureaucratic actors about who can have agency on justice (and how), for that is the “stuff” local security networks are essentially made of. “Mentalities” in the form of ideas about who can have agency on justice largely determine the other components not of the other nodes within the network but of the network itself: The normative structure of local security networks determines the institutional configurations regulating the network, the knowledge base according to which the network operates, as well as the distribution of human and financial resources within the network.

Interestingly, Shearing speaks of “mentalities” as a component of specific *nodes* within the network, and not as a constituting part of the network per se, which is made up by its various community and outside-community Bureaucratic nodes. This makes sense, as different nodes may have different “mentalities,” pending on their identity and relative power position within the network. An analogy would be, again, the international system, constituted by a number of nodes (state and non-state actors), who as individual nodes each have their own mentalities, resources, technologies, and institutional structures, but who collaborate in organized decentralized governance arrangements (such as the various agencies of the United Nations), which comprise their own mentalities, resources, technologies, and institutional structures member-nodes adhere to and comply to various degrees. Local security networks, like the international system, are characterized by a form of anarchy as there is no over-arching governing body with the authority to make all the nodes comply to the terms of agreement, and thus, the most powerful actors are able to impose their way and make their ideas prevail within the network. The evidence reviewed for this study indicates that in Brazil, conservative mentalities usually prevail over liberal ones. The bureaucratic actor (or node) responsible for the coordination and financial

administration of the project has the power to impose its mentality to the entire network. Simply put, in decentralized governance arrangements involving multiple institutional partners and community actors, there is always one node where human and financial resources are concentrated that is able to exert greater influence over all other nodes within the network.

While all nodes within the network share a common programmatic objective, local security networks are made up of individual actors with different views about the regulation of justice and at times diametrically opposed interests. The bureaucracy of local security networks is not an abstract entity: It is made up of individuals, who have their own agendas and their own ideas and biases about who can have agency on justice and (how), and this in turn determines the extent of citizen and community agency on insecurity. The mentality (conservative vs liberal) of projects coordinators was determined according to their position towards change and challenges to the state's traditional monopoly of justice based on the level of credentialization required for participation and the extent of citizen agency each of their programs enables, as well as on public statements, published material, interview results, and professional communications with individual project coordinators. The four cases examined indicate that the more conservative the project coordinator, the lesser the extent of citizen and community agency on insecurity and the more powerful the bureaucracy. Conversely, the more liberal the project coordinator, the lighter the project bureaucracy and the greater the extent of citizen and community agency within the network. This is because there exists a constitutive relationship between ideas about who can have agency on justice (and how), the relative power of the bureaucracy, and citizen agency through micro-governance. Building on the ideal-type of citizen agency presented earlier, it is possible to situate these dynamics within their ideational context, as schematized below in Figure 4.

Figure 4. Relationship between ideational position, relative power of the bureaucracy, and extent of citizen agency



Ideas Matter

As discussed briefly in the methodological chapter, at the one end of the ideational spectrum, there are liberals, who challenge the state's exclusive monopoly of justice and believe social conflicts can be efficiently arbitrated outside the formal state justice system is communities where public security is failing. As Clifford Shearing explains, recognizing the legitimacy of the state's monopoly of violence does *not* imply that "only states should do 'justice'":

“It is important that violence be authorized. The Hobbesian position (and Weberian) was that states should [be responsible for] the authorization of violence, i.e. one could use it only with state approval. They then need to be able to back this up, which means that they must be able to enforce this. This still is a sensible position in many places. The idea behind it is that the use of violence must be legitimized and that states constitute a source, perhaps at the moment the only legitimate source of such legitimacy. But this doesn't mean that only states should do "justice".¹⁶²

The Zwelethemba micro-governance model in place in 25 locations across South Africa illustrates well how local residents in poor communities with severe public security deficits can be mobilized and organized into an efficient, governing node in local security networks, provided with technology (e.g. mediation techniques and organizational skills) and resources (human and financial) from the main institutional partner (in this case an academic institution). The projects in South Africa are operated at low cost and involve a very light outside-community bureaucracy in comparison to the cases examined in Brazil. Once a group of local residents has received minimal training and become organized and able to operate as Peace Committees (i.e., mediators), the outside-community project management does not interfere with daily routine project activities. Moreover, as discussed in the methodological chapter, Peace Committee members are not only remunerated for their mediation activities but further entrusted with the responsibility of a community fund which they choose how to invest in the community (in an directed effort to address the generic, root causes of the conflicts mediated on a daily basis). While the degree of cooperation between individual projects and local police agencies may be subject to important variations, it is noteworthy that no project in South Africa has case-forwarding mechanisms in place to enable collaboration with formal authorities from the local tribunal of justice.

¹⁶² Cited from personal electronic communications with Professor Shearing (April 23, 2007).

More moderate liberals, like the judge coordinator in São Caetano do Sul, on the other hand, also believe community actors have the capacities to arbitrate social conflicts outside the formal state justice system, but may be situated further left on the ideational pole (toward state monopoly of justice) as they favor micro-governance models that work in close collaboration with state authorities from the justice system through case-forwarding mechanisms, and do not entrust community members to participate in the administration of project funds. The liberal judge in São Caetano believes that community agents, once provided with minimal training (more or less 80 hours), have the knowledge and capacities to help local residents identify and solve problems and conflicts that cause daily insecurity. The judge sends cases from his tribunal to the project when granted consent from disputants, and institutional mechanisms were developed to enable the judge to further attribute a legally binding value to agreements reached through community mediation services (if requested by parties to the conflict). This judge further favors active collaboration with local security agencies —most importantly the Municipal Civil Guard— who have been trained to forward cases that do not fall within their expertise or mandate to the community program. Community agents are also free to accept or, when warranted, forward (to the appropriate state agencies) cases of criminal nature.

When moderately liberal norms define the ideational position of the main institutional node (in this case the judiciary power), citizens are empowered to act on the sources of insecurity affecting their lives and communities not only as *consumers* but as actual *agents*, who rely on their own knowledge and everyday experiences of local life and problems within the community to enable fellow community members to develop their own solutions to common problems. This is because, the judge argues, community actors have the means to “deliver Justice”:

“The Plan [of Action reached through community-based mediation], if it is respectful of all and if all openly feel respected by it, symbolizes the Justice of that group. Justice has to do with that: With

respect and dignity, with peace and security, with responsibility and commitment for our own choices and decisions.¹⁶³”

It is important to emphasize that another important characteristic that enables us to identify variations within the liberal mentality is the greater extent to which “ultra liberals” are willing to be imputable to other institutional (funding) partners and take responsibility for the financial dimensions of project activities within the community. For example, while Peace Committees are remunerated for their daily peace-making activities and responsible for the integrity of a community fund, the project in São Caetano do Sul still lacks institutional mechanisms for the financing of both peace-making and peace-building activities. There are currently provisions to establish a funding structure to remunerate community agents for their work and finance peace-building activities, but the initiative was not yet able to overcome debates amongst institutional partners. The project’s principal local outside-community partners—the São Paulo Tribunal of Justice, the Ministry of Justice, and UNDP— cannot agree on where this fund would be physically hosted, who should finance it, who should be responsible for the issuance of payments for peace-making and peace-building activities, or who would be ultimately responsible for its integrity. In view of the data examined in Chapter 2, the potential for corruption constitutes a very real problem.

Inner-bureaucratic squabbling over the division of responsibilities for the financing of peace-making activities and of a community fund is complicated by the fact that key actors within the Ministry of Justice, unlike UNDP personnel and the São Paulo Tribunal of Justice in São Caetano do Sul, are appointed for limited terms and are regularly changed with new administrations and political alliances, which means, especially given the elusiveness of formal partnership agreements in Brazil, that institutional support (and eventually funding) for projects has to be re-conquered not only with every new political administration but more frequently, with new appointees. To further complicate matters, the capacity to

¹⁶³Translation by the author. Excerpt from the informational booklet for the project distributed on the day of its inauguration (June 22, 2006).

(re)consolidate a financial and institutional support-base for a given community project largely depends on one's ability to (uncover and) overcome longstanding political rivalries within and between government agencies and individual appointees.¹⁶⁴ Bureaucracies are indeed plentiful of political obstacles that ultimately undermine the development and efficiency of micro-governance initiatives. As will be discussed next, more bureaucracy generally translates concretely into less citizen agency.

At the opposite end of the ideational pole, there are conservatives, who, conversely, are in favor of the status-quo and seek to preserve a form of state monopoly over justice. Traditionally, conservatism is defined as “a political philosophy which aspires to the preservation of what is thought to be the best in established society, and opposes radical change” (Mclean and McMillan, 2002: p.114). Individuals on this end of the ideational spectrum believe that only state-certified operators of the justice system (e.g. members of the bar, psychologists, social workers, police officers) have the credentials and capacities to arbitrate social conflicts. Conservatives strongly oppose the transfer of decision-making power for the regulation of justice to communities and what they consider to be “ignorant” and “irresponsible” citizens. As discussed in the previous chapter, conservative norms pervading the security culture in Brazil have translated concretely in lack of government and police support for community governance

¹⁶⁴ Given the consistent support and the ingenuousness of the partners at UNDP and the São Paulo Tribunal of Justice, however, it seems reasonable to expect that with time, inner-bureaucratic debates will not constitute an insurmountable obstacle for the creation of a peace-building fund that would enable greater citizen *and* community agency in Nova Gerty. The reason for this optimism is justified by the success of the 25 Zwelethemba projects currently operating in South Africa, which all had to overcome initial logistical complications of this nature. It may be that the Zwelethemba community projects were more easily able to overcome the bureaucratic obstacles currently encountered in São Caetano because they are administrated by project coordinators (through the IdeasWork organization) situated on the extreme other pole of the ideational spectrum. The dedicated researchers are not deterred by the potential corruption factor and are ultimately responsible for the payments for the mediation activities of Peace Committees and for the community fund themselves, as accountable academics and professional staff members attached to established research institutions.

programs, to the notable exception of the Municipal Civil Guard in São Caetano do Sul¹⁶⁵.

Traditional conservatives, like most senior officials at the Ministry of Justice's National Secretariat of Public Security (SENASP) and a significant part of the judiciary community in Brasília, are skeptical of the very concept of community governance. While rare are those conservatives who will go as far as to explicitly argue against community governance—for that would be most politically-incorrect—most do argue that community programs should be administrated and operated by professionals from the justice system, not community residents. In Brazil, the judiciary power is very reluctant to let go of even a parcel of its monopoly on justice. While it is true that “the state has a legitimate concern to safeguard due process and basic rights,” as Zehr argues, it also has “a tendency to expand its power and authority”—that is, the state is a “greedy institution” (Coser, 1974 c.f., Zehr, 2005), and this is particularly true of the judiciary power in Brazil.

The judiciary power, which constitutes a central element of the bureaucracy of most community programs in Brazil, must be understood not simply as a set of authoritative institutions, but also in terms of its normative structure, which is constituted by the ideas of its actors—of its “bureaucrats” in the broad sense, including judges—on who can have agency on justice and the appropriate means toward this end. In Brasília, for example, a conservative judge, who at the time

¹⁶⁵ The participation of the Municipal Civil Guard (GCM) in the local security network in São Caetano do Sul may be due to the fact that by definition, the GCM is a community-focused policing institution created after the transition to democracy to develop closer ties with citizens. Indeed, in theory (but not in practice however), Municipal Guards are not armed with guns as to promote a friendlier image and encourage local residents—generally mistrustful of the police—to collaborate with law enforcement authorities. Interestingly, the GCM network in São Caetano do Sul also has a social worker on its full-time staff, to whom cases involving youth delinquency are brought when involving first offenses and/or minor crimes. Instead of sending youths to jail and court, the case is handled internally within GCM auspices: The social worker convokes the youth's responsible adults (meeting with them on more than one occasion if necessary) to solve the problem and ensure it does not reoccur.

was a candidate for the tribunal's presidency, stated that "the poor just don't have what it takes [to regulate justice outside courts], they are all illiterates, how can we expect them to be rational?"¹⁶⁶. A senior security advisor from the Ministry of Justice's National Secretariat of Public Security made a similar comment publicly at a recent conference event in Brasilia, claiming that social chaos would inevitably ensue if more responsibilities were attributed to citizens (as opposed to law enforcement experts) in the governance of local security issues.

In the course of the two years of field research investigating the Ministry of Justice from within, it was observed that senior officials at SENASP undermined initiatives designed to empower underprivileged citizens and communities as means of security on numerous occasions. For example, as part of a desperate strategy to reduce crime and violence in Rio de Janeiro for the 2007 Pan-American games, SENASP invested millions of Reais to set up a number of "community mediation centers" administrated by police agents (as opposed to local citizens), who provide mediation services themselves to community residents in slums strategically located on routes where athletes had to come through in various sporting events. The basic idea was to attempt to reduce crime and violence through the window of conflict mediation in the most crime-laden and violent areas that could not be avoided during the prestigious sporting event. Interestingly, the main concern appeared to be not so much about crime and security in those communities, but rather about avoiding media scandals that could result from potential hostage situations, kidnappings, and attacks, which would tarnish Brazil's international reputation.

If in favelas (and in Brazil more generally) citizens trusted the police and had recourse to police services when they were victims of actual crimes, the strategy might have yielded interesting results. But as the data reviewed in Chapter 2 clearly indicates, citizens in Rio de Janeiro are particularly mistrustful

¹⁶⁶ Cited from personal communications with the judge coordinator as part of routine project management activities prior to the (failed) fusion experiment in Brasília.

of the police and have an unusually high rate of under-reporting crime victimization. If citizens don't report being victim to serious crimes because they fear or distrust the police, they are ever more unlikely to resort to police agents for problem resolution of daily conflicts. When we were invited to discuss these plans (months before they were concretized and implemented in locations across Rio), the chief of staff of SRJ, the UNDP representative, and myself voiced concern about the appropriateness and relevance of the initiative. Since they were asking for our help in elaborating and implementing the initiative, we proposed instead, in collaboration with Professor Shearing, a project which would respect the idea of community-based conflict mediation centers in cooperation with the local Military Police, but the model we suggested would have employed local residents, not police agents, as the principal service providers. The SENASP officials initially agreed to the alternative proposition, but decided not to follow-up and eventually went ahead with their original, counterintuitive plans.

The case-study in Brasilia, similarly, illustrates well how state agencies, seeking to safeguard their interest in the state's monopoly of justice, create monstrous outside-community bureaucracies for the community projects they support, thus creating a vertical, assistentialistic dynamic of dependence between civil society actors (i.e. project participants in Taguatinga and Ceilandia) and state authorities (i.e. The Federal District and Territories Tribunal of Justice) rather than enable citizen agency and community self-direction. Such heavily bureaucratized micro-governance projects reflect the prevalence of moderately conservative norms within the local security network.

Moderately conservative actors, like the judge coordinating the Community Justice project in Brasilia and the Viva Rio coordination team, are more open to change than traditionalist conservatives and may be positioned further down the ideational pole (towards outside-state regulation of social conflicts). They argue against the state's exclusive monopoly of justice, but believe that the state and professionals from the justice system must still play a central role community-

based governance initiatives by assisting and/or monitoring community actors closely in all of their program activities.

The moderately conservative position could be construed as a form of “paternalism,” defined commonly as “the exercise of power or authority over another person to prevent self-inflicted harm or to promote that person’s welfare, usually usurping individual responsibility and freedom of choice.” (McLean and McMillan, 2002: p.399) Specifically, state paternalism refers to “the use of law or other state activity to prevent adult citizens, as well as children, from harming themselves, or to promote their welfare.” A number of problems may result from such a top-down approach to social welfare because paternalism fundamentally undermines the autonomy of individual and collective actors, and as it is often concluded, can be seen as “inimical to liberty [...] because some of the forms of intervention risk imposing the legislator’s views of what is harmful or welfare-promoting.”

In this vein, the Viva Rio project offers “community mediation” services to local residents in a number of favelas, but these mediation sessions always involve the participation of an array of salaried outside-community experts “made up of lawyers, law students, collaborators of various distinct specializations — social workers, architects, psychologists, etc.,— and “citizenship agents (residents of the region where the project operates)” (Strozenberg, 2006: 89-90). As in the case of Brasilia, the Viva Rio project was, until its unfortunate bankruptcy in January 2007, a highly credentialized micro-governance model developed to “mix academic knowledge learned in universities with local rules as lived by residents¹⁶⁷” (*Ibid.*). From an institutional and policy perspective, had the costly program been successful in reinforcing local capacities to mediate local conflicts, the costs incurred by the credentialized bureaucratic structure could have been justified. The Viva Rio project, however, directed most budget allocations to the outside-community “specialists,” which not only resulted in non-existent financial

¹⁶⁷ Translation by the author.

attributions to actual local community agents, but further severely limited their participation and their role in daily program activities within their communities.

In Brazil, conservative norms and ideas about the state's exclusive monopoly of justice are predominant and have translated into institutional configurations where local residents are, for the most part, only allowed a limited form of participation in micro-governance processes. The case-studies of Viva Rio and Brasilia ironically illustrate that while they are the most costly to operate, and benefit and empower mainly outside-community staff rather than actual local residents, programs with a conservative approach are more easily capable of consolidating a financial basis because they present less risk from a funding perspective. State agencies and NGOs, because they are strongly institutionalized nodes, are, after all, more accountable than loosely defined groups of "community agents." Moreover, moderate conservatives carry an eloquent politically-correct discourse to obscure their implicit disbelief in the capacities of the poor to address the sources of injustice and insecurity affecting their daily lives, which is appealing to other institutional partners, who have their own bureaucracies to justify these budget allocations to micro-governance programs to. From a moderately conservative perspective, the poor are not considered to be "ignorant" so much as "insufficiently tooled to act on their own"; underprivileged citizens are not considered irresponsible to solve their own problems, but rather "more efficient when provided with the expert help of trained professionals."¹⁶⁸ The double-discourse of moderate conservatives is well captured in the following statement from the judge coordinating the Brasilia project¹⁶⁹:

"The necessary elements for this reinvention of Law are the recognition of the plurality of judicial orders and rhetoric dialogue, in opposition to the State monopoly of Justice and its scientification. [...] The State as a newest social movement is a process of creation

¹⁶⁸ Cited from professional communications with the judge coordinator as part of routine project management activities prior to the (failed) fusion experiment in Brasilia, as well as from discussions with outside-community experts of the Viva Rio projects in the favelas of Leme and Babylônia.

¹⁶⁹ See Falserelli-Foley, (2006: pp. 95, 107). Translation by the author.

of a non-State public space. In this new political constellation, the fragmented State converts itself into a field of disputes for different projects and interests. [...] The role of coordinating these different organizations that act in the realm of these disputes may thus fall on the State.”

Moderate conservatives view the state as a “newest social movement”¹⁷⁰, who must be omniscient and ever-present to serve social movements and emerging forms of civil society organization. The question of “how much and what kind of state support” is elusive and subject to interpretation, but the implicit argument is that civil society cannot be “emancipated” through community justice without continued assistance (read supervision) from the state. Ironically, moderate conservatives denounce “the state’s exclusive monopoly of justice” and define themselves in opposition to traditional conservatives, whom they condemn for their “paternalism,” but in reality, both are perpetuating the status-quo of the state’s exclusive monopoly of justice, only to different extents. For example, while the judge coordinating the community project in Brasilia criticizes conservative judges opposed to community justice for their “narrow-mindedness and snobbism,” she manifested strong opposition when, as part of the Zwelethemba-fusion, it was suggested to cut down on the costly team of tribunal experts and rather use the resources for the community agents and community development, as, according to her, “the agents would be incapable of doing mediation by themselves without the assistance of the experts, the experts are central to the project”¹⁷¹. Community agents, however, since having received the Zwelethemba training, believe otherwise. As Dona Dora, the community agent from Taguatinga, put it:

“There is *always* someone on our back... The judicial technicians accompany *every* mediation... We were trained to think we need assistance to work with the community, and in the beginning we truly

¹⁷⁰ “Novíssimo movimento social;” See Falsrelli-Foley (2006: 107-108), and Sousa Santos (pp. 59-69 c.f. Falsrelli-Foley, 2006:)

¹⁷¹ Cited from personal communications with the judge coordinator as part of routine project management activities prior to the (failed) fusion experiment in Brasilia.

believed we needed the team of experts because that is what we were told, but we don't believe that anymore... But we have to do as she [the judge] says¹⁷².”

The Predatory World of Bureaucracies

Conservative normative structures embedded in big (outside-community) bureaucracies are bad for local security networks as community initiatives are “decommunitized” at the onset. When conservative norms pervade the bureaucratic culture within the local security network, local residents are discarded as legitimate agents of justice in their own lives, and, consequently, underprivileged communities are provided only limited opportunities to achieve greater levels of security by their own means.

Local security networks that are regulated based on credentialized knowledge and professional capacities only enable individual citizens to solve daily conflicts as consumers and facilitators of services provided by experts from outside their community, as illustrated by the case-studies in Brasilia and Rio de Janeiro. That is, credentialized micro-governance programs do empower individual citizens as a means of security, but not communities as a collectivity. Local security networks regulated based on local knowledge and capacities, on the other hand, enable citizens to address and solve daily problems as both individual citizens and as a collectivity actively involved in the consumption, provision, and administration of community program services, as illustrated by the Zwelethemba experiments in South Africa and in São Caetano do Sul. In other words, micro-governance programs that operate based on local capacities empower both individual citizens and the community as a means of security, whereas programs that depend on an outside-community Bureaucracy only empower individuals as a means of security.

¹⁷² Translation by the author.

While bureaucracies are conceived to be a means through which an organization (whatever its nature) rules, bureaucracies also have interests of their own and, as this study demonstrates empirically for Brazil, may become predatory¹⁷³. Weber himself believed that in real life, bureaucracies were prone to corruption, nepotism, contradiction, rivalry, chaos, impunity, over-specialization, rigidity, and inertia and thus the bureaucracies were often far less efficient in practice than his ideal model theorized.

The age-old problems identified by Weber commonly affect, to varying degrees, the bureaucracies of outside-community partners in local security networks across Brazil. Simply put, the problem in Brazil is that outside-community partners are over-involved in the projects they support and, ironically, end up de-communityzing community programs by monopolizing the administration and the provision of most program services.

In many ways, the predatory tendencies of the judiciary power observed in Brazil follow “Parkinson’s Law¹⁷⁴,” which stipulates that “work expands so as to fill the time available for its completion.” Following this principle, state authorities (and an NGO in the case of Viva Rio) create huge outside-community bureaucracies for the community programs they support, and then lend their own staff to fill the credentialized positions and exigencies they create. Bureaucracies are somewhat of self-fulfilling prophecies¹⁷⁵: They generate administrative needs and expansive infrastructures they then must respond to and fill themselves. Indeed, as Niskamen (1971) argues, bureaucrats seek to maximize their budget and thus tend to systematically overproduce bureau goods and services.

¹⁷³ Bates (2005) and Evans (1995) have made similar arguments.

¹⁷⁴ See C. N. Parkinson’s (1958) *Parkinson’s Law: The Pursuit of Progress*

¹⁷⁵ The predatory nature of the Bureaucracy and the absurdity of its self-fulfilling tendencies were also the subject of classic works of fiction such as Franz Kafka’s *The Trial*, Milan Kundera’s *La Plaisanterie*, and George Orwell’s *1984* and *Animal Farm*.

As the budget analysis of the case-studies of Brasilia and Viva Rio illustrated almost to satirical degree in Chapter 3, “bureaucrats” from the Federal District and Territories Tribunal of Justice (in Brasilia) and the Viva Rio NGO seek to maximize their share of the budget in the community programs they support and have indeed systematically overproduced bureau goods and services by embedding varying forms of “credentialism” into the local security network, or, more plainly put, by refusing to allow community residents to operate the community program without the continued and close monitoring of professional, full-time salaried staff from the Tribunal and the NGO. The evidence reviewed in this study suggests that in Brazil, the community in “community” governance projects has been filling a consumptive role at best, and at worse a decorative role that serves its purpose for nice show-case projects that attract funding and make the people responsible for them look good. Viva Rio actually states it very plainly in a power-point slide¹⁷⁶ in the 2004 Annual Report, bluntly entitled “The non-profit sector generates jobs and income” —that is, jobs and income for 1399 outside-community specialists, not local residents.

Credentialism reflects the prevalence of conservative norms and constitutes the ideational backbone of the normative structure regulating the majority of local security networks in Brazil. Normative structures are self-reinforcing, and, in some ways, follow the expansionary and self-fulfilling principles set out by Parkinson’s law. As Sweet (1999: 157, c.f. Hurrell: 147) argues, “norms... develop in path-dependent, self-reinforcing ways, one mechanism of which is the ubiquity, and naturalness of normative reasoning itself. Normative systems are inherently expansionary to the extent to which they enable people to reason from one situation to another, by way of analogy.” In the same vein, Hurrell also (2001: 143) wryly notes that norms are easily manipulated as “powerful actors can always find a norm to support their consequentially-based choice.”

¹⁷⁶Viva Rio Annual Report (2004):
<http://www.vivario.org.br/relatorio/2004/en/pages/Slide27.htm>

The case-study in Brasilia illustrates well the self-reinforcing dynamics of normative structures. In the course of daily interactions¹⁷⁷, I closely observed the community agents from Taguatinga and Ceilandia prior to the Zwelethemba training, during the training, and after the workshops had been completed. At first the community agents were skeptical of their capacity to act on their own in teams of two, without the close supervision of the professional tribunal staff, as for years they were schooled to believe they lacked the capacities to act independently of the experts. Moreover, community agents' feelings of inadequacy are reinforced by their mandatory attendance to weekly 4 hour courses in law administered by legal scholars as part of their "ongoing training."

The Zwelethemba training workshops, in stark opposition to everything they had been taught, presented community agents with hard empirical evidence that people from the most underprivileged communities in South Africa had not only been acting without the assistance of experts for years, but that they never had to undergo more than 40 hours of training. Moreover, Brazilians learned, community agents in South Africa were not only paid for their mediation activities, but were further attributed responsibility to administrate a community fund to address the social and economic roots of the problems they helped mediate on a daily basis. Community agents from Taguatinga and Ceilandia stated that this was "revolutionary," and slowly but surely became convinced of their "own expertise and capacities" as they integrated the fundamental Zwelethemba principle of the added-value of local knowledge through daily workshops. Indeed, as Hurrell (2001: 148) argues, "actors may be culturally unaware of the range of potential options open to them or may be culturally inhibited from adopting particular paths¹⁷⁸." In opposition to what they had been taught by the judge coordinator, the project's professional staff, and the weekly visiting professors, the South African Zwelethemba experiments demonstrated that one need not have a university degree to be an expert of everyday problems and have agency on daily sources of

¹⁷⁷ (as detailed in Fieldwork Appendix 1)

¹⁷⁸ An argument also set forth by Katzenstein (1996).

insecurity. The community agents expressed much enthusiasm in stating their desire to try out their new “tools” of conflict mediation in Taguatinga and Ceilandia. Unfortunately, they were never provided with the opportunity.

This is because, simply put, local security networks are prone to *hostile bureaucratic takeovers*, a process that could best be described as the authoritative and normative appropriation of agency and resources by the outside-community bureaucracy to the detriment of community actors.

While local residents in Taguatinga and Ceilandia are actually allowed to participate (albeit to a limited extent) in the provision of program services, the local tribunal prefers to spend hundreds of thousands of Reais on salaries for experts (social workers, psychologists, lawyers and judges) to monitor (or “assist”) community agents in each of their activities than providing them with real decision-making power and agency. In this case, the hostile Bureaucratic takeover occurred at the onset as various forms of credentialism were embedded in the original project design. Unfortunately for the community agents, a second hostile takeover occurred to safeguard the interests of the Tribunal once the transfer of Zwelethemba technology had been completed and the funding came through, as the judge responsible for the project unilaterally decided to cut off the partners and re-appropriated the monopoly of the decision-making process against the stipulations of the international partnership agreement that had been signed between the Federal District and Territories Tribunal of Justice, the Secretariat of *Judiciary Reform* (which is supposed to represent the executive power’s new system of checks and balances on the judiciary power), UNDP, and the IdeasWork organization.

One of the important lessons learned from the Brasilia case-study is that judges embody the supreme and all-powerful authority of the judiciary power. Indeed, no one was able to intervene to force the judge to respect the power-sharing agreement and to “implement” the selected Zwelethemba tools and

procedures that would empower community agents with greater agency to act on the sources of insecurity in their own communities.

The Zwelethemba fusion-model never became operational in Brasilia and the community agents were instructed to continue to act as they always had, with the perpetual and close monitoring of the tribunal's team of experts. The community agents were further instructed to continue to refuse to handle cases of potentially criminal nature, as the judge coordinator believes that "given the resistance from the conservatives within her Tribunal, criminal conflicts should remain the 'property' of the judiciary power."¹⁷⁹ This is highly problematic from a community perspective, for citizens who come forth with a problem to a community justice agent do not classify the problem in terms of pre-established legal categories. A problem is a problem—citizens rarely stop to think about whether the problem is of civil, family, labor, or criminal nature and thus whether or not it will be eligible for assistance from the community justice program. As a result, many cases are turned down, for fear of challenging the judiciary power's monopoly on justice despite the judiciary's support, albeit limited, of community justice.

The judge's refusal to delegate more agency to community agents cost the taxpayers and UNDP thousands of wasted Reais for the technology transfer and other implementation costs, which were not actually incurred since the fusion did not go through, but for which the project nonetheless received funding. The official excuse presented by the judge for refusing to follow and implement the stipulations of the international partnership agreement was that "the use of Zwelethemba technology would involve some intellectual property issues that may not be overcome in Brazil and in particular with her Tribunal."

¹⁷⁹ Cited from personal communications with the judge coordinator as part of routine project management activities prior to the (failed) fusion experiment in Brasilia.

Considering the first Zwelethemba pilot project in Jardim Angela involved an international partnership agreement with both local and international actors and similar intellectual property rights issues, one need not be an expert of Brazilian law to suspect foul play. Indeed, the President of the Tribunal's School of Judges confirmed that neither of the claims were true, and that neither would uphold in the court of law. But none of the local and international partners, not even the *community* agents of the *community* project, were able to make the judge respect the formal and informal terms of agreement¹⁸⁰, and the Zwelethemba model was never implemented although much local and international funding was invested in the initiative and thus went to waste, instead of benefiting the targeted community public.

One year after the failed experiment in Brasilia, I met with two community agents from Ceilandia (Dona Neide) and Taguatinga (Dona Dora), who had made "the long trip downtown to the pilot plan" from their distant satellite cities to see me as they had been informed that I would be present at an event there. The community agents had come to ask me "what had happened with the Zwelethemba model, and why were we (the UNDP representative and myself) no longer part of their project? Why were they not allowed to work with the "tools" we had provided them with, and could I please do something to help so that they could?". They stated they had discussed the issue with many other agents, who were equally frustrated at the outcome, and no one could understand what had happened. They further explained that they had protested repeatedly to the project management but without result, so they were getting organized to leave the Community Justice project to form their own Zwelethemba community program, independently of the Tribunal, so they could be allowed to work more independently "now that they had been convinced of their own capacities."

¹⁸⁰ While this poses a fascinating legal puzzle, it is unfortunately well beyond the scope of this study.

In the course of a “secret” interview with Dona Dora a few months later — community agents are now required to ask permission to the judge coordinator to give interviews, which must be supervised by the judge herself— Dona Dora again expressed her anger and disappointment with the unsuccessful outcome of the Zwelethemba experiment, and frustration with the general lack of autonomy of agents, especially given the new stringent rules imposed on them since the Tribunal’s hostile Bureaucratic takeover in early 2006:

“It is ridiculous that we now have to ask permission from the coordination to give interviews. We don’t have autonomy to do anything. We always have to ask permission for everything, as if we were employees, but I am not paid! My friend left the project for this reason —I am from the community, not an employee of the Tribunal! If you miss one class [weekly training in law], they ask why and want to know where you were. If you give opinions they don’t like they make faces. When the UNDP person came to do interviews with all the agents, the judge insisted on being there, no one had courage to speak, of course we are afraid. I never speak anymore, I am afraid. They need to meet with the agents one-on-one. You don’t give your truthful opinion in front of her [the judge] because she will get mad. We are simple people from the community. Imagine us in front of the judge! She is a ‘monopolizer’ [*monopolizadora*], and everyone is afraid of her. The judge makes us feel insecure. We respect her but we are not close. If they listened more to the agents, we could give them our opinion because we know the project and the community, but our opinion is not worth anything to them. So they do things to “improve” the project but in the end it does not improve anything because they don’t know the community. [...] One day there will be a complete turn-around! I dream, I know one day I will be able to do more for my community. With Zwelethemba we could help the community, but it does not work because we are not allowed to use it— the Tribunal has no interest in social justice and peace-building, but we do! If we could work like that with the community, the project would be much more popular, but no, we are limited to peace-making.”¹⁸¹

¹⁸¹ Translation by the author.

One may speculate that this judge, who personifies the supreme authority of the Judiciary Power, could not let the Zwelethemba fusion initiative follow through as it threatened to take power away from her Tribunal, its professional salaried staff, and herself, and to transfer it directly into the “insufficiently tooled” hands of local residents, and indirectly to other local and international partners¹⁸².

Given the evidence examined, and the fact that after breaking the international partnership agreement, the judge coordinator was *personally* awarded the very prestigious *Premio Innovare* for the Community Justice project (a national prize awarded, most ironically, by the Secretariat of Judiciary Reform and the Getulio Vargas Foundation in Rio de Janeiro to the best innovative judiciary project), one may doubt that in Brazil community interests will ever prevail over the bureaucracy’s in community programs. Much to Dona Dora and her fellow community agents’ frustration, the prize money (50 000\$ Reais, roughly 22 000\$ US dollars) was, again, “invested in the project, not in the agents.”

The case-study of the failed Zwelethemba intervention in Brasilia illustrates well how and how much ideas about who can have agency on justice matter for

¹⁸² In the course of our interview, Dona Dora stated that when she had asked, privately, the project secretary why they were not allowed to apply the knowledge they had received from the South African experts and work with the Zwelethemba model, the secretary responded that: “The judge did not want other people mixing in her project, that it was her business and hers only. She wants to join the four [mediation] models [from previous trainings] to have *her own model* exclusive to *her* project.” According to Dona Dora, this is because the judge is “arrogant and self-important, and it has gotten worse with all the publicity the project benefitted from with the international partnership agreement [for the Zwelethemba fusion project].” It would be too cynical to conclude, like the project secretary and the community agent, that the judge refused to implement the international partnership agreement because of personal greed for power and career-ambitions, although “working with the community” may certainly be expected to further career advancement under Lula’s left-oriented government.

community governance programs. While moderate conservatives explicitly denounce the state's exclusive monopoly of justice, their convictions are grounded in the implicit assumption that poor people don't have the capacities to deal with the security and justice issues affecting their own lives. As this study demonstrates, this ideational inclination translates concretely into a programmatic bias in the form of credentialism, resulting in costly institutional configurations that undermine both citizen and community agency in local security networks.

This programmatic bias, which can be found in the institutional configurations regulating the vast majority of local security networks in Brazil, results from the predominance of conservative norms and ideas about who should have agency on justice within the network. As demonstrated in Chapter 3, most community programs enable only a limited form of citizen agency, and more often than not, do not engage the participation of local community members in community governance beyond the individual consumption of program services that remain monopolized by outside-community experts.

It should be noted that the problem of community governance "from above" is not only related to the monopolistic tendencies of judiciary institutions, as the experience with the local academic partners in São Paulo and the failed Zwelethemba experiment in Jardim Angela suggest. In that case, the main local partners were liberal in theory but conservative in practice to the extent that they safeguarded the prevalence of their own bureaucratic interests to the detriment of those of the community. Once the Zwelethemba technology transfer had been completed through a series of international training workshops, and the funding was pledged, the local research center behaved like the tribunal of justice in Brasília, monopolizing the multi-stakeholder project and cutting off the other partners.

It is, unfortunately, not clear at this time if the Zwelethemba project in Jardim Angela is still operational or to what extent. If it is, it is done

independently of international academic partners, and likely unlawfully considering intellectual property issues. In 2004, when the pilot had been operating for almost two years unknowingly to the IdeasWork organization, the project was not working well as there was no demand¹⁸³. The general lack of demand could be related to the fact that the technology transfer was not entirely completed —specifically, the technology on community mobilization and dissemination— due to the lack of transparency of local academic partners and the subsequent information void between international partners. The lack of demand for community program services could also be attributable to the fact that the project lacked institutional linkages to the formal system of justice, which in Brazil appears important to establish legitimacy. In the course of a recent interview (March 2007) with the junior researcher at the time responsible for project management (as the senior researcher in charge refused to step foot in the favela), we debated the possibility that the lack of demand for mediation services could also be the result of our failing to think of obtaining permission from the local traffickers to operate on “their turf.” Had we attempted to and succeeded in obtaining their “approval,” word would have gotten around and residents would not have had to fear reprisals for their recourse to the community project. The relevant point here is that the problem would have been more likely to be solved had there not been a complete information void between the academic partners, as the Brazilians could have learned from their South African, Canadian, and Argentine colleagues how similar problems were overcome in other Zwelethemba pilot experiments.

As a result of the prevalence of the bureaucracy’s interests over the community’s in this case, the residents of the Jardim Angela favela were deprived of a concrete opportunity to become effective, organized agents capable of

¹⁸³ Local partners were so keen to get locals to participate (and generate data) that they encouraged community agents to practice their mediation skills on conflicts within their own extended families, and actually had research assistants map out the genealogical trees of the community agents so that it could help them identify potential family conflicts more easily.

helping themselves and their fellow community members to address daily and root causes of insecurity in their community, which, according to the chief of the Military Police of São Paulo, used to be considered the most dangerous slum not only of Brazil but of Latin America. At the same time that the residents of Jardim Angela were disempowered by the (local academic) bureaucracy, the bureaucracy directly benefited from its paper involvement with the Zwelethemba model and the community in Jardim Angela as it added significant prestige and weight to the research institution's reputation for intervention projects, lending greater credibility to their effectiveness and thus increasing the likelihood to attract more funding¹⁸⁴.

The lesson to be learned from the failed Zwelethemba experiment in Jardim Angela is that the bureaucracy, even when constituted of supposedly liberal academics, can and has worked to undermine citizen agency in very tangible ways.

When conservative norms prevail and the bureaucracy wins, as in the unfortunate cases of Brasília, Viva Rio, and Jardim Angela, the people lose. And they lose big. To begin, millions of Reais are infused by government agencies, international donors, and the private sector in their names and in the name of their “underprivileged communities” that actually go right into the Bureaucracy (as opposed to the community) and into the hands not of local residents but of outside-community staff members. Second, and more importantly, when the bureaucracy wins, communities are disempowered as legitimate agents to act on the sources of insecurity affecting their own existence, adding insult to the injury of having funding funneled in their names and for their communities to mostly outside-community benefactors.

¹⁸⁴ For example, in a grant application for the Pan-American Health Organization, the local academic research center shamelessly features the (fake and dysfunctional) Zwelethemba project as one of its star show-case projects of demonstrated success in the area of violence prevention.

It is important to note a recurring pattern. Consistently, community governance programs in Brazil have been undermined by the monopolistic tendencies of outside-community partners— of “the bureaucracy”— whether in the form of a tribunal, a research center, or an NGO. In Jardim Angela the community project was undermined by the monopolistic tendencies of the academic bureaucracy; in Brasilia by the tribunal’s bureaucracy; and in Rio de Janeiro by the NGO’s bureaucracy. As the case-studies discussed in this chapter illustrate, conservative norms embedded in big bureaucracies constitute an important obstacle to citizen agency and community governance in Brazil. The evidence reviewed indicates that the São Caetano do Sul Restorative and Community Justice project represents one of the few documented cases¹⁸⁵ in Brazil of a local security network that works to primarily promote the community’s interests.

Having investigated both the institutional and ideational foundations of local security networks in Brazil and having compared results with South Africa, one may conclude that to tell the “lawful side of the story” of citizen-based security in Brazil is to tell the tale of the people’s struggles with the bureaucracies that support them for agency on justice. Ideas about who can have agency on justice and how matter for local security networks as they ultimately determine the extent of citizen agency within the network. Outside-community partners in Brazil have persistently monopolized community programs and undermined both citizen and community agency on the sources of insecurity affecting daily life in the communities they seek to “help” (not empower) them.

In the next chapter, I conclude with some thoughts on the role of the state in local security networks, and discuss the implications of research findings for policy studies in the area of human security.

¹⁸⁵ See, for example, the published piece by the project coordinator in São Caetano do Sul: “Comunidade e justiça em parceria para a promoção de respeito e civilidade nas relações familiares e de vizinhança: um experimento de justiça restaurativa e comunitária. Bairro Nova Gerty, São Caetano do Sul/SP” (Rezende Melo, 2006).

Conclusion

This study of citizen-based security in Brazil has demonstrated that how the story is told matters, and that the nature of citizen participation and ideas about who should have agency on justice matter equally for research that seeks to explain and understand citizen-based security in a context of failing public security.

As demonstrated in Chapter 2, it is both theoretically and empirically wrong to take for granted that the poor are naturally more prone to violence and will have recourse to unlawful means of conflict-resolution, especially when presented with the alternative option of community justice. It is also an untenable position from a normative perspective, for to believe the poor to be innately more violent is to assume an elitist and prejudiced worldview.

But micro-governance programs are no panacea either. The evidence reviewed for local security networks in Brazil indicates that the people in poor communities have been persistently and consistently undermined by the bureaucracies of outside-community actors who seek to “help” —as opposed to empower— them. As a result, millions are invested and donated annually by local and international partners in their names and for their communities, but not much if any of the funding actually ever reaches local residents nor their communities. Chapter 3 demonstrated that the bulk of funding goes to finance the activities and the bureaucratic infrastructure of outside-community benefactors, who monopolize the management and provision of community program services, much to the detriment of alleged local “benefactors.” In the majority of cases examined for Brazil, community governance programs enabled citizens to exert only a limited, consumptive form of agency on the sources of insecurity that affect daily life in their community.

In the cases of Viva Rio and the Brasilia Community Justice Project, where citizens were able to participate to a limited extent in the provision of community

program services, the project management remained highly monopolized by the bureaucracy, and community agents did not rely on their own knowledge and capacities when they participated actively in mediation activities. Both projects, however, still do “help” local citizens to access justice and address local sources of insecurity with the assistance of outside-community experts. The problem with such micro-governance programs is that they are very costly to implement and to operate, yet they do not directly benefit local actors so much as outside-community actors, and do not work to empower citizens and communities as much agency on insecurity as much as they could and should.

As the untimely and unfortunate bankruptcy of Viva Rio and the failed pilot experiment in Brasília suggest, in decentralized governance arrangements, important power struggles may arise between community actors and the bureaucracies that seek to help them. The majority of micro-governance programs in Brazil indicate that bureaucracies work in numerous and very concrete ways to undermine both citizen and community agency in areas where security is most needed.

Chapter 4 demonstrated that bureaucracies in local security networks are essentially made up of individuals with opposing ideas about who can have agency on justice and how. This largely explains the diversified results of “state support” from local justice tribunals for community projects, as illustrated by the case-studies in Brasília and São Caetano do Sul, both coordinated by judges. As the case of Brasília indicates, conservatives, for all their well-meaning actions and convictions, work *against* community interests. Indeed, this study shows, the road to hell is paved with good intentions.

The evidence examined in this research points to the relevance of norms and ideas for understanding power-sharing arrangements in local security networks, and especially of the paradoxical role of the state within these arrangements. “Too much” or “too little” state involvement in local security networks appears to be a

central factor to explain their relative success in empowering local residents and communities as a means of security.

The case-study in Brasilia illustrates well how much “state support” can work *against* community interests in local security networks. As a result of the predominance of conservative norms about who can have agency on justice and how, the community program in Brasilia remains monopolized by the judiciary power and citizens may only exert a limited, mostly consumptive form of agency on the sources of insecurity that affect their daily existence and life in their communities. Clearly, the case of the Brasilia Community Justice Project constitutes a case of a local security network too closely tied to the judiciary (state) node, resulting in the prevalence of the bureaucracy’s interests over the community’s.

Conversely, in the case of Jardim Angela, the local security network, while modeled on the original Zwelethemba projects as they operate in South Africa, failed to establish formal linkages with local police (and judiciary) agencies to enable case-forwarding to the community project, and failed to stimulate any community demand for community program services.

The case of São Caetano do Sul, like the original Zwelethemba pilot experiments, suggest that it takes a certain time for the community project to become known and established within the community. At the present, the bulk of cases handled by community agents are received directly from the tribunal of the judge coordinating the project. The longer the community project is in operation and the more cases it handles, the more it becomes known within the community and the greater the legitimacy of the project, and thus the greater the community demand for program services. The Zwelethemba experiments in South Africa consistently indicate that “word to mouth” is the key for dissemination and publicity of program services within the community, and eventually to other neighboring and more distant areas.

As both the cases of Jardim Angela and São Caetano do Sul indicate, the institutionalization (not necessarily legal formalization) of a collaborative synergetic relationship that enables the forwarding of cases between state agencies (e.g. state “nodes”) and the community program largely influences local demand for program services and is crucial to establish the project’s legitimacy within the community.

It is true that given the high levels of institutional mistrust in the police and the demonstrated failures of public security, citizens might be suspicious of projects affiliated to local police agencies. It is important to remember, however, that building trust in the police, developing better community-police relations, and getting the police to be more efficient at crime control in underprivileged communities while respecting Human Rights are developmental objectives per se in many community governance programs in Brazil¹⁸⁶, including Jardim Angela, Viva Rio, Sao Caetano do Sul, and the Brasilia *fusion project* (which was never operationalized). Given the demonstrated success of the Zwelethemba experiments in South Africa and São Caetano do Sul, local security networks appear to be a good place to start concretizing these human security objectives. That is, it is the role of outside-community partners (in particular other state agencies) to overcome their own wariness of local police agencies and to establish institutional mechanisms to enable case-forwarding between the police and the community program, as a first step and demonstration of good will, that can and hopefully will show the gradual way to greater and more harmonious police-community collaboration in the targeted areas where the failures of public security are most severe.

Moreover, survey results for the two underprivileged communities studied in Brasilia indicate that while the majority of residents do not trust the police, they still do have recourse to police agents when they have to. Establishing case-

¹⁸⁶ See, for example, Dutra Freire (2006).

forwarding mechanisms to enable some cases to be dealt with within the community program as opposed to within a law enforcement agency not only liberates the police of cases they are not so well trained to handle (such as domestic violence), but further benefits local residents by providing them with a concrete, lawful and effective alternative to police inaction, as the unfortunate story of the lady sent home with her broken bones to get a Reike treatment, clean her home, and make food for her abusive husband illustrates. I do not know how the story of this woman ended, although one may reasonably expect the worse. As the Deputy Chief of Police of the Western Cape (South Africa) bluntly put it, the police often take the case of domestic violence seriously only when it is turned into a murder investigation. By forwarding such cases to the community program instead of turning them down, police agents not only provide a service to community residents, they contribute to building their reputation within the community. At the same time, police agents who are trained to send cases to the community program are also more likely to take cases that are forwarded to them *from* the program seriously at the outset, as it is clear that if the case was referenced to the police station from the community program, it is likely to warrant immediate police intervention.

Ideally, as the case of São Caetano do Sul demonstrates, to become fully synergetic (micro)models of state-society collaboration that effectively enable community members to regulate the bulk of social conflicts outside the formal state justice system, local security networks in Brazil should also establish institutional linkages with tribunals. This, however, must be effectuated with great caution as to not enable a hostile bureaucratic takeover of the *community* project. The judiciary power in Brazil is a greedy institution indeed, the hard lesson learned in Brasilia teaches.

While the judiciary power's bureaucracy is pushing hard to retain as much of its monopoly over justice, residents of low-income communities appear to be closer to the other end of the ideational spectrum. Survey results for São Caetano

do Sul indicate that local residents believe social conflicts can be regulated outside the state justice system (within a lawful framework of action). The majority (58%)¹⁸⁷ of respondents in Nova Gerty do not believe social conflicts, no matter their criminal gravity, must necessarily be resolved through the state system. While the data is inconclusive to the extent that is based on survey results from a sample of only 13 respondents, this finding does indicate that community members in Nova Gerty, and thus likely in other similar low income communities in Brazil, have a tendency for liberalism. The minority of respondents¹⁸⁸ who believe some social conflicts and problems can not be resolved outside the formal state justice system nevertheless unanimously stated that this was *only* to the extent of what they considered to be very grave crimes, such as murder, armed assault and robbery (including banks), kidnapping, sequestration, and drug trafficking.

These findings suggest that the judiciary power in Brazil is, as Holston (2006) eloquently put it, threatened to become an irrelevant institution as it is effectively becoming discredited with inefficiency and corruption. Establishing institutional linkages that enable case-forwarding between local tribunals of justice and community programs of conflict mediation may thus constitute one of the few, concrete ways to develop a collaborative partnership with local communities that will work to *improve* the judiciary's image and strengthen its credibility.

There is further reason to believe that when local security networks are able to establish these synergetic linkages to a local tribunal of justice, the result can be expected to contribute not only to building institutional trust in the judiciary, but also, interestingly, in the police. Survey results for São Caetano suggest that

¹⁸⁷ Based on the frequency of respondents (7/12) who answered "no" to the question: "Do you believe that some problems/conflicts should *never* be resolved through community programs services and *always* by the formal system of justice?"

¹⁸⁸ Based on the frequency of respondents (5/12) who answered "yes" to the question: "Do you believe that some problems/conflicts should *never* be resolved through community programs services and *always* by the formal system of justice?"

despite mistrust in the Justice of the justice system, local residents expect it to work *through* the community program as a safeguard against potential abuses from the police (and community agents). At the same time as they affirmed their liberal beliefs against the state's exclusive monopoly of justice, the overwhelming majority of survey respondents (92%) also stated that state support for the community justice project was “*very important*” (10/13) or “*partly important*” (2/13). When asked to justify why, respondents explained that “state support” — almost unanimously construed as the local tribunal of justice, as opposed to the police— was necessary for the community project to protect its citizen-consumers and serve as a control mechanism against potential abuses from the police and community agents.

These paradoxical results corroborate research findings on the importance of the judiciary node in local security networks in Brazil and on the necessity of finding the “right amount” of state involvement in micro-governance programs. The role of the government in community justice was also a central question in the report from the Law Commission of Canada on participatory justice (2003), which concluded that:

“Giving government a role in the development of these programs [could] lead to a dependence on government-driven structures and resources that will ultimately undermine the ability of communities to make good decisions for themselves and their members. But without some role for government in legitimating and promoting participatory processes, these initiatives may simply cease to grow and flourish. The answer seems to lie in the creation of a partnership between state and communities that would combine the vitality and local knowledge of community-based initiatives with the accountability and resources offered by government.”

While the failed pilot experiment in Brasilia illustrates how much “too much” state involvement can undermine community-based initiatives and result in hostile Bureaucratic takeovers, the São Caetano Zwelethemba-inspired community project illustrates well how and why “just enough” state involvement

is key to effective micro-governance and citizen-based security in Brazil. Given the success of the São Caetano project, which is not only coordinated by a judge but further receives the bulk of cases to mediate from the judge's court, it would be erroneously simplistic to conclude community governance should not work in collaboration with judiciary institutions. To the opposite, according to the evidence reviewed in this study, institutional affiliation to the formal justice system appears to be an important factor to establish the legitimacy of community agents as such in their communities.

The question, again, is all about balance and defining limits for the state's and other institutional partners' participation in micro-governance initiatives to ensure the community project is not governed from the top-down, or "from above," which severely hinders the autonomy of community actors. As this study demonstrates, the nature of citizen participation in local security networks has significant effects for human security. The comparative cases examined in Brazil and South Africa indicate that community programs that only enable local residents to consume services provided by professional outside-community experts are not sufficient to empower *communities* as a means of security, and thus fail to meet important human security objectives. The more balanced and synergetic the relationship between the community program and its state nodes, the more power and labor are distributed efficiently within the local security network, according to each node's relative capacities and expertise, and thus, following principles of nodal governance, the more citizens and communities are empowered as a means of security. Concretely, this means that in "synergetic" micro-governance model, power and labor are concentrated within the community node, as opposed to outside the community within an institutional node. Daily decisions are made everyday by local community members, not professionals from partner institutions: Community actors operate the community program, and are attributed the bulk of funding for their daily program activities. As community programs by definition usually aim to empower community members with the means to address problems and grievances, the more decision-making power and

financial resources are concentrated within the community node, the more the micro-governance program may be considered “efficient.”

Indeed, my research shows, the “pluralization of slum security” does not necessarily, as some misguided policy-makers and scholars of human security believe¹⁸⁹, “weaken allegiance to the state” nor is it inherently detrimental for society. First, the majority of residents who resort to community-based means of justice and security do not appear to have that much “allegiance to the state” to begin with, as indicated by low levels of institutional trust in the justice system and the police. At best, citizens’ loyalty to the state’s courts and police agencies is divided and subject to shift according to context-specificity. Second, my research shows that the “pluralization of slum security” in Brazil actually often takes the form of government-sponsored “community” mediation programs. State authorities would unlikely support the regulation of social conflicts outside the formal state system if they thought it would “weaken allegiance to the state,” especially in Brazil, where the judiciary power is very reluctant to let go of even a parcel of its monopoly on justice.

Moreover, considering that in many of the case-studies reviewed for Brazil, community projects were related to the formal justice system through sophisticated outside-community Bureaucracies and mechanisms of case-forwarding and follow-up, it could also be argued that citizens who participate in community programs are in fact *showing* their “allegiance to the state” as many use the program for legal aid purposes hoping they will get the needed help to take their case to appropriate state authorities.

Contrarily to previsions in the policy framework of analysis presented in Chapter 2, where the privatization (“pluralization”) of security was expected to

¹⁸⁹ See, for example, documentation produced by the Canadian Human Security Consortium, in particular: Department of Foreign Affairs and International Trade (DFAIT), 2006b. *Human security and cities: Opportunities and challenges* (Foreign Affairs Canada – Human Security Research and Outreach Program).

cause social segregation and ultimately community violence, this study demonstrated that the pluralization of security in low income areas can and has been working to prevent community violence and strengthen social cohesion.

In their discussion of the state's role in community governance programs, policy-makers in the related area of "participative justice" have been more conscientious than their colleagues in human security about the positive outcomes of "pluralized slum security," but have also failed to take important factors into consideration. The Law Commission of Canada's (2003) recommendations regarding the role of the state in community-based, "participatory justice" initiatives did not consider potential problems resulting from the lack of a coherent and consistent policy vision, as the case of state-sponsored "community" mediation programs in Brazil indicates. Strong inner- and inter-agency rivalries within government departments at the city, state and federal levels, compounded by the common practice of nepotism (which further translates into raving incompetence lurking at all government levels), mean that in Brazil "the state" is far from being a unitary actor, and even farther from having a single coherent policy vision with regards to "participatory," community-based initiatives in the area of justice and security. As this study shows, in the absence of a strong and consistent policy vision for a specific issue-area, state support for initiatives in the unregulated area yield diversified results. Policy recommendations for participative justice, therefore, should take this important factor into account.

Finally, this study presented evidence that the intellectual production on outside-state justice and security regulation in Latin America has obscured the more constructive role of civil society actors by systematically and erroneously taking for granted that the poor are inherently more violent and typically resort to criminal means to compensate for the failures of public security, at the same time as it fails to take into account the *lawful* and organized means through which citizens and communities deal with real and perceived sources of insecurity on a daily basis. As a result of the criminalization of poverty at the ideational level, the

poor are disempowered as legitimate actors by the very intellectuals who, in their own way, may seek to “help” their cause by exposing and documenting the failures of Latin American democracies to deliver the ever-elusive promise of justice and security.

More significantly perhaps for policy studies, placing the main analytical focus on unlawful forms of “slum security” has led to the development of frustratingly generic conclusions and recommendations for citizen security. While scholars of Latin American studies call for the “democratization of the rule of law,” police, and judiciary reform¹⁹⁰, policy-makers argue that Canada should promote “urban democratic development” and “community projects that build inter-group trust¹⁹¹” in low-income areas where public security is failing. As this study shows, citizen- and community-based solutions to insecurity in Brazil constitute a promising solution to failing public security indeed. To be efficient and truly community-based, however, initiatives —whether heuristic or practical— that seek to explain, understand, and/or promote human security and citizenship rights through local action must take into account two important factors which are generally neglected: The nature of citizen participation in allegedly “community-based” projects, and the ideational premises according to which the institutional arrangements that regulate the project were configured.

This study transcended disciplinary fields and epistemological boundaries to provide a more complete and accurate account of citizen-based security in Brazil. While telling (and empirically demonstrating) the lawful side of the story does, at the ideational level, empower the poor as legitimate actors capable of addressing the sources of insecurity affecting their own lives and communities, little can be

¹⁹⁰ See, for example, Oxhorn (2003); Mendez, O'Donnell, and Pinheiro (1999); and Holston and Caldeira (1998).

¹⁹¹ Slide 14, Canadian Consortium on Human Security – Human Security and Cities, 2006. *Human Security and Cities* (Power-point presentation, Human Security Policy Division - Department of Foreign Affairs and International Trade, Canada). Available on-line at: <https://humansecurity-cities.org/page156.htm>

done to safeguard their interests from paternalistic bureaucracies determined to “help” them.

Long ago Weber wisely concluded that while individuals were the ultimate agents of social change, individuals were guided by values, and thus change was constrained by values. IR theorists similarly point to the relevance and the importance of norms and values in explaining cooperation¹⁹². The evidence reviewed in this study indicates that “cooperation” between Bureaucratic actors and community actors to empower citizens and their communities agency through local security networks raises fundamental identity issues about the community projects and the very notion of “community.” As Hurrell (2001: 149) keenly notes, “one aspect has to do with the degree to which successful cooperation may depend on some prior sense of community. [...] cooperation is possible once the parties have come to believe that they form part of a shared project or community in which there is a common interest that can be furthered by cooperative behavior.” In most local security networks Brazil, outside-community actors and actual community actors have a direct conflict of interest when the question of agency is at stake. The power structure of local security networks, like all anarchical systems, however miniature, follow the zero-sum dynamics of *Real Politik*, that is, power to the community means less power to the bureaucracy.

While they may share a common “community” project, the relevance—and thus ultimately the survival— of the (outside-community) bureaucracy is threatened when community interests prevail. Indeed, “changes in the normative structure are closely bound up with power and the distribution of power¹⁹³.” Moving away from credentialism and conservative values toward local knowledge and more liberal values involves the transfer of decision-making power and resources directly from institutional actors to communities. This means work and money would be taken from the web of bureaucracies and go to the communities

¹⁹² See, for example, the influential research of Finnemore (1996), and of Keck and Sikkink (1998).

¹⁹³ Hurrell (2001: 146)

and community members where community programs operate. The locus of power and of the decision-making process would move out of the state realm of regulation to civil society. As mentalities usually change only slowly over time (if ever), these shifts are unlikely to occur within existing projects, and, given the prevalence of conservative norms in 78% of cases in Brazil, are also unlikely to occur in the foreseeable future. It is reasonable to expect that new initiatives will model existing projects (however defunct) such as the Brasilia and Viva Rio micro-governance models, which have been praised as “best practices” in community governance.

While in principle, all nodes in the local security network share a common basic programmatic agenda (e.g. community empowerment, human security, access to justice, etc.), in some cases, as seen in Brazil, community and institutional actors can have clashing interests and become locked in a quiet war over agency. If community actors are to be empowered to govern their own local security networks, normative agendas and ideational platforms will have to be changed. Changes in the normative structure must first happen outside the community, within the web of bureaucracies. It is hoped that this study will constitute a small but significant step to help move the debate in the right direction.

On a different level, the academic debate would also benefit from an analytical shift toward lawful forms of citizen-based security. As demonstrated in Chapter 2, scholars of the misrule of law have unwillingly contributed to the criminalization of the poor at the ideational level by erroneously and systematically taking for granted the poor are inherently more violent and typically resort to unlawful means of problem resolution to compensate for the failures of public security. Their account of the story of citizen-based security in Brazil and Latin America is incomplete, and dishonest to the extent of omission of the other, lawful side of the story. This study hopes to have filled part of the gap in the literature, and to have aptly documented the predatory tendencies of

bureaucracies so that lessons could be learned and costly mistakes avoided. There is, after all, only so much public and private funding available for micro-governance initiatives; it may not be so wise to invest it in “community projects” that employ and empower mainly *outside*-community actors.

Fieldwork Appendix 1

Gaining access to the local security networks examined in this study and the Bureaucracies that supported them was most effectively accomplished through academic networking. To obtain direct access to the communities where there were micro-governance projects without actually becoming a resident myself, I worked through local “outside-community” partners who were already engaged in collaborative initiatives within these communities. My fieldwork in Brazil began in May 2004 with a two month research internship at the Center for the Study of Violence (NEV – Nucleo de Estudos da Violencia) at the University of São Paulo, where I was instructed to assist in the implementation of a “Zwelethemba” community pilot project for which my research supervisor in Canada was co-responsible.

The two-month fieldwork at the Center for the Study of Violence in São Paulo was conceived, initially, to enable my participation in the implementation of the first Zwelethemba pilot project in Brazil. I quickly discovered, however, that there was not much to “implement” as the pilot had been operating for almost two years, without the knowledge of the academic partners in Canada and South Africa.

The field research, concretely, thus consisted in accompanying a team of two NEV researchers every week during eight weeks to the shanty-town where the project was running —*Jardim Angela*— to meet with community agents and residents to try to figure out why the project was not working, and to come up with creative solutions to stimulate demand.

At the end of the two month research period, I was able to establish a relationship of mutual trust with both the community agents and my two NEV colleagues, which provided invaluable insights for this study, as illustrated in

Chapter 4 in the discussion on the problematic role of outside-community partners, which can result in hostile Bureaucratic takeovers of community initiatives.

Specifically, I spent approximately 50 hours (distributed over 8 days over 2 months in May-June 2004) in the favela of Jardim Angela in São Paulo, where I interacted with 4 local community agents, their friends and families, as well as with other relevant community actors, as part of weekly visits to the community justice project with the local academic partners.

In August 2004, I was invited to carry my research within the institutional framework of the Secretariat of Judiciary Reform at the Ministry of Justice in Brasília, where I conducted my own research investigating “the Bureaucracy” from within between August 2004 and July 2006. It should be emphasized, however, that my research objectives were declared formally at the outset, and that this investigation was carried out openly to the full knowledge of my colleagues and with their explicit consent.

Working with the Secretariat of Judiciary Reform provided me with an excellent opportunity to study Bureaucratia “from within,” and enabled me to uncover normative agendas and find out what the people responsible for community governance programs in state tribunals, police agencies, and at the Ministry of Justice really thought about community governance, as well as to experience firsthand “hostile Bureaucratic takeovers.”

Over the two years I spent as an associate of the Ministry of Justice, I provided assistance for “alternative justice” and “citizen-based security” initiatives. It should be emphasized here that I was “remunerated” for my work strictly in terms of research opportunities. My work at the Ministry of Justice not only entailed access to all its data and key actors, it further enabled me access to

substantial financial and human resources to collect new data for my own research purposes (e.g. pilot projects).

Beyond my participation in the design and implementation of the two pilot projects, my involvement with these initiatives enabled daily interactions with local and international partners (project coordinators and professional project staff, community agents, community residents, and institutional partners at the Ministry of Justice, the UNDP, local tribunals and police agencies) through routine project management activities. Other program activities included: Organizing and following-up on meetings and discussions between the multiple stakeholders (e.g. SRJ, UNDP-Brazil, the National Secretariat of Public Security (SENASP), local tribunals and police agencies (Military Police, Civil Police, Municipal Civil Guard) in Brasilia and São Paul); Articulating and facilitating the formalization of legally-binding international partnership agreements between the stake-holders; Drafting grant proposals and preparing budget previsions for the two pilots; coordinating local and international dissemination strategies and events; And active participation in the design and realization of training workshops for community agents, judiciary staff members, police officers and senior security officials, government staff, and representatives of international organizations.

My activities at the Ministry of Justice further presented an excellent occasion to experience firsthand the daily challenges in Lula's new Secretariat of *Judiciary Reform*, which in August 2004 had barely a few months of existence. Since I was in the country to study problems associated to the failure of the justice system and public security, this was a golden opportunity to see how one goes about the daunting task of "reforming Justice" concretely on a day-to-day basis. Indeed, one may wonder, how does the work produced behind a comfortable desk in Brasilia turn into improved access to justice and security for the poor in the country's countless slums?

The more familiar I became familiar with the staff at the Ministry of Justice and the more I participated in meetings with other state agencies and UNDP officials (who provide funding for SRJ and SENASP activities), the more it became obvious that those responsible for improving access to justice and security for the poor had rarely if ever actually stepped foot in a poor community nor ever taken the time to consult with residents of these communities. With the pilot experiment in Brasilia, it also became apparent that the mentalities of institutional actors could create invisible but very real obstacles for community governance projects.

More specifically, in total, as part of research activities in Brasilia, I spent approximately 100 hours with the 40 community justice agents from the satellite-cities of Taguatinga and Ceilandia. These interactions were distributed unevenly over 3 months from June to August 2005, and then intensively for 8 hours per day during 2 weeks in October 2005 as part of Zwelethemba training workshops in which I participated. In between these periods, I interacted regularly with the community agents to discuss the community project and my own research objectives, the opinion survey, their experiences, their expectations, and motivations as community agents. I also observed the agents in the course of their ongoing weekly training sessions (4hrs every Friday) in legal theory during the summer of 2005. Moreover, I interviewed one community agent during 3 hours in March 2007. Manual notes taken in the course of daily interactions with community agents and the coordination team in Brasilia were translated and typed into an electronic document on a regular basis. During the 3hr meeting with the community agent from Taguatinga, I was permitted to take detailed notes, which were translated and transferred to an electronic document immediately following the interview.

As part of research activities for the second pilot project in in São Caetano, I spent approximately 60 hours (distributed over 2 months in May-June 2006) with the 20 local community justice agents in the community justice project in Nova

Gerty, with who I interacted daily as part of training workshops and project implementation activities and discussions (about their expectations and motivations). For this project, most note-taking, as well as the translation and conversion of notes into an electronic document were made by the research assistant, who further compiled daily observations and interview results in a summary report.

I also spent approximately 10 hours in the favelas of Leme and Rocinha (July 2006) where I was able to meet with 2 local community agents through the Viva Rio NGO (in Leme), and to interview 2 community residents in Rocinha as part of a visit to the community. Note-taking was difficult in research trips to favelas in Rio and Jardim Angela in São Paulo; interviews were often informal and only summary notes could be taken in the course of verbal communications, which were subsequently completed, translated and transferred to an electronic document.

In June and July 2006, I had the opportunity to interact closely with police officers from the Military Police, the Civil Police, and especially the Municipal Civil Guard at all levels of the command structure on a daily basis during two consecutive weeks as part of training and dissemination activities I carried out jointly with the Deputy Chief Commissioner of the Western Cape, who represented the police component of the Zwelethemba projects in South Africa. I further conducted a number of informal interviews as part of routine project management activities with a Commander of the Municipal Civil Guard, as well as with a patrol officer and a Deputy Colonel from the Military Police in São Paulo and Brasília. Two police officers from Brasília and São Caetano were re-contacted via electronic means to develop on the views that had been expressed publicly in the course of a conference event a few months earlier.

Fieldwork Appendix 2

Extracts from the formal document which served as the basis for the signing of an international, legally-binding collaborative agreement between the Federal District and Territories Tribunal of Justice, the Secretariat of Judiciary Reform, UNDP-Brazil, and IdeasWork for the pilot experiment in Brasilia (October 2005).

Strategy – The fusion (Phase 1)

The fusion of the Zwelethemba model of dispute resolution and community development to the community justice project in Brasilia will help overcome the problems of 1)lack of community development; 2)lack of investments in the communities; 3)lack of a clearly defined and functional model of conflict resolution; 4)widening the scope of action (including criminal matters); and 5)self-sustainability[summarize them here] noted above by restructuring tThe current Brasilia community justice project will be restructured to include the Zwelethemba model's values and procedures in peacemaking¹⁹⁴ and

¹⁹⁴ Specifically, there are 19 steps in the Peacemaking process (IdeasWork, 2005):

- 1) *Members of the Peace Committee meet separately with the people involved in order to find out what happened or what the problem seems to be;*
- 2) *Members encourage them to come together in a Peace Gathering, and discuss with them who else could be invited who might help to find a peaceful and practical solution;*
- 3) *Peace Committee members (at least two, and no more than six) meet with all these people together in a Peace Gathering;*
- 4) *One member of the Peace Committee facilitates the Gathering (Facilitator), and another fills out the report form for the Gathering (Reporter);*
- 5) *The Facilitator opens the Peace Gathering by explaining why the people are gathered together;*
- 6) *The Facilitator reads out The Code of Good Practice;*
- 7) *Each of the people directly involved in the dispute is then invited to say what happened, while the others wait outside. The Reporter notes what each person says;*
- 8) *The Disputants are then all invited back into the Gathering;*
- 9) *The Reporter reads out their statements in the presence of everyone;*
- 10) *The disputants may then briefly add to or modify what they said. The purpose is not to find out what actually happened but to find out how the participants see what happened;*

peacebuilding. The Zwelethemba model will with the principal difference be modified so that that community agents will remain linked to the judiciary judicial power system through credentialing and provided the provision of with elementary judicial training. This will contribute to reinforce the legitimacy of community agents and allow justice to occur within the community but not completely outside the greater judicial apparatus. [Say why this difference is important/needed.]. Moreover, the community justice project will establish a community fund (controlled by UNDP), and provide community agents with basic business knowledge to administer and ensure the financial sustainability of the community fund.

The community justice project currently operating (since 2000) in two underprivileged communities of Brasilia has successfully managed to 1)mobilize local resources for conflict resolution; 2)develop networks between state agencies and civil society; 3)transfer knowledge and raise rights-awareness for community agents and the communities in which they operate through the School of Justice and Citizenship (providing free judiciary training by legal experts) and the rights-oriented material they publish and freely distribute; 4)develop physical infrastructures (community centers) that work as operational bases and 5)provide both community agents and their communities with a multidisciplinary team of experts (project administration, legal orientation, psychological and social

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- 11) All the people at the Gathering are then given the opportunity to say how they feel about what happened and, if they were affected, what it meant for their lives;
 - 12) The Facilitator makes sure that everyone has the opportunity to speak freely;
 - 13) The Facilitator then encourages the people at the Gathering to identify the root causes of the dispute;
 - 14) The Facilitator then makes sure that the people present come up a Plan of Action to create a better tomorrow;
 - 15) The People at the Gathering then decide upon a Plan of Action;
 - 16) This Plan is written down by the Reporter. The Plan must make clear what everybody's role will be in making it work;
 - 17) Everyone then signs the Plan of Action;
 - 18) The Gathering then appoints 2 persons to monitor the Plan of Action;
 - 19) The Gathering is closed in a way that will show that people who participated appreciate and respect what has taken place at the Gathering (e.g., a prayer or a song).

assistance, and a theater production specialist to raise awareness and promote the project within the communities). The community justice project, however, still lacks 1)a strong community development element (agents act as individuals, not as a team); 2)investments in the communities; 3)a clearly defined and functional model of conflict resolution; 4)a wider scope of action (including criminal matters); and 5)self-sustainability given that the modest funding pledged by the Secretariat of Human Rights remains locked in the bureaucracy. This needs to be integrated into the discussion of the Brazilian model above. Otherwise, it is not only harder harder for the reader to follow, but it isn't clear why you are jumping to the SA model. These obstacles can be overcome through the development of the Zwelethemba model within the context of the community justice project currently operating in Brasilia, adapting the two models accordingly. Moreover, the fusion of the projects models will increase the impact and scope of action of the Brasilia community justice project at very low cost, at the same time that the resultant hybrid model can be studied to determine its usefulness in other Latin American contexts. The fusion will also entail new partnerships, including in the private sector, which will provide new sources and opportunities for funding to further ensure the project's longer term self-sustainability.

During the pre-project period (September to December 2005) the funding that is not yet secured by lead partners will be sought from private sector and philanthropic organizations. The first step to enable the fusion of the models will be to train local community agents and project administrators in the values and procedures of the Zwelethemba model.

This will require an international mission consisting of one experienced trainer from South Africa and one collaborator/evaluator from Canada to Brasilia for a period of two weeks (October 2005). The training funding for training will be provided by the Secretariat of Judiciary Reform of the Brazilian Ministry of Justice and the Federal District Tribunal of Justice. The second step will be to reorganize the structure of the community justice project into peace committees in

accordance with the principles and values of the Zwelethemba model (October 2005). This can be done with the help of the one the experienced trainer from South Africa. The third step will be to secure a partnership with a local research center specializing in business administration to train project coordinators and community agents in applying for funding in private sector and managing funding (August 2006). The partnership will be established through the Secretariat of Judiciary Judicial Reform. The fourth step will be to organize an institutional visit to the Zwelethemba community projects for Brazilian lead partners and the international coordinator to exchange experiences with South African communities and project coordinators. The funding for this visit will be provided by the Secretariat of Judiciary Reform of the Brazilian Ministry of Justice, UNDP, and the private sector. The fifth step will be to hold a meeting and to organize a workshop and an international conference for international and local partners in Brasilia after the first two surveys have been carried out (June 2005). The funding for these events will be provided by the Secretariat of Judiciary Reform and UNDP.

The fusion project will be ready for operationalization by January 2006. From January 2006 to January 2007, small payments will be made to community agents and a community fund for every conflict they facilitate. The payments made to community agents will be based on the estimated value of personal costs incurred to compensate agents for the costs for every case attended (i.e. transportation, communication, etc.). The community fund will be used to solve and preempt other conflicts, as well as to support community initiatives through micro-enterprise schemes. By January 2007, the project will still be coordinated by the Federal District Tribunal of Justice, but should be financially self-sustainable through funding provided by the private sector.

The community peace center (Phase 2)

In the second phase of the project, once the fusion has been completed and effectively operationalized effectively, partnerships will be sought with local

police organizations. The operation is based on the assumption that each partner has something unique and valuable to offer within a network of flexibly interacting 'nodes', and that this cooperation will provides the community with a strikingly more effective service than if they operated separately. The police officers carry out regular police work – that is, law enforcement, emergency response and detective services. The Peace committees facilitate the resolution of disputes, conflicts and problems that do not require police action: Community members may take their problems directly to the Peace committee for facilitation. Alternatively, the police officers participating in the Community Peace Centre initiative may offer complainants the option of taking the matter to the Peace committee rather than opening a docket or following some other bureaucratic route. The Peace committee may also refer matters to the police where appropriate. The police will notes referrals to the Peace committee in their daily log, while Peace committees will complete a detailed report-form for all facilitations they carry out.

Methodological Appendix 1

Opinion survey conducted with 1000 respondents in Taguatinga and Ceilandia (Brasilia)

Community Justice, Institutional (Mis)Trust, and Main Causes for Daily Concerns

The information collected in this survey is strictly for academic and research purposes, not for any form of commercial use or gain. The participation in the survey is completely voluntary, and participation in the survey can be halted at any point. The survey is anonymous to protect identity and privacy.

- 1. Did you know that a community justice project was operating in your neighborhood?** (if the answer is “no”, skip to question #8)
 - a) yes
 - b) no
- 2. Do you know what community justice agents do and how the program works?**
 - a) yes
 - b) no
- 3. Have you ever used the services of the community justice program?** (if the answer is “yes”, skip to question #5)
 - a) yes
 - b) no
- 4. If you know the project exists, why haven’t you used the services of community agents before?**
 - a) never had a need for it
 - b) don’t trust community agents
 - c) prefer to solve problems through other channels
 - d) don’t know
 - e) other reason: _____
- 5. If you used the services of the community justice program, were you satisfied with the outcome?**
 - a) very satisfied
 - b) somewhat satisfied
 - c) somewhat unsatisfied
 - d) not satisfied at all
- 6. If you answered “somewhat unsatisfied” or “not satisfied at all”, why?**
 - a) my problem remained unresolved
 - b) agents were not competent and knowledgeable
 - c) Other reason:

7. If you did not have the possibility to have community justice agents help you resolve your problem/conflict, who would you go to?

- a) the police
- b) a public defense attorney
- c) a private lawyer
- d) a Small Claims Court Judge
- e) take matters into your own hands
- f) people from the community, specify: _____ (i.e., community leaders, youths from the neighborhood, people from your church, etc.)
- g) no action
- h) other: _____

8. In general, if you have a problem/conflict, who would you ask to help you resolve the situation?

- a) community justice agents
- b) the police
- c) a public defense attorney
- d) a private lawyer
- e) a Small Claims Court Judge
- f) take matters into your own hands
- g) people from the community, specify: _____ (i.e., community leaders, youths from the neighborhood, people from your church, etc.)
- h) no action
- i) other: _____

9. Do you trust police officers to protect citizens, provide security, and help you when you have a problem?

- a) very much b) somewhat c) not much d) not at all

10. Do you think police officers are:

- a) very honest
- b) somewhat honest
- c) somewhat corrupt
- d) very corrupt
- e) don't know

11. Are you afraid of police officers?

- a) completely afraid b) fairly afraid c) a little afraid d) not at all afraid

12. Do you think that every citizen has equal access to the justice system, independently of wealth, race and gender?

- a) yes b) no

13. Do you think the justice system is:

- a) very transparent
- b) somewhat transparent
- c) somewhat corrupt
- d) very corrupt
- e) don't know

14. What are you most worried about? (more than one choice possible)

- a) not having enough money to make ends meet and provide for elementary needs (ie food, shelter)
- b) insecurity and crime in your neighborhood
- c) providing good education for yourself and/or your children
- d) remain unemployed
- e) your children falling into a "wrong path" (ie drug use, crime)
- f) good health and access to medical services (i.e. access to a doctor if needed)
- g) other: _____

15. What do you see as the biggest problem in your community? (more than one choice possible. List according to priorities)

- a) insecurity and crime _____
- b) drug trafficking and use/ local gangs _____
- c) inappropriate housing/ insufficient private space _____
- d) lack of public green spaces _____
- e) lack of sports centers/entertainment facilities _____
- f) urban decay _____
- g) police violence _____
- h) lack of police presence _____
- i) lack of access to the formal justice system _____
- j) lack of adequate lighting _____
- k) lack of public transport _____
- l) disrespect and destruction of public property _____
- m) Lack of basic sanitation (water, sewage) _____
- n) Noise coming from bars and clubs _____
- o) fights and arguments _____
- p) alcoholism _____
- q) other: _____

166. Which social class do you consider yourself to be part of?

- a) the wealthy
- b) the upper-middle-class
- c) the middle-class
- d) the lower middle-class
- e) the working class
- f) the poor

177. What is your race/ethnicity?

- a) White
- b) Black
- c) Mixed descent ("Pardo")
- d) Indigenous
- e) Asian/Oriental
- f) other: _____

188. What is your gender?

- a) male
- b) female

1919. What is your age group?

- a) 14-19
- b) 20-29
- c) 30-39
- d) 40-49
- e) 50-59
- f) Over 60

20. What is your level of education?

- a) Never studied
- b) Primary school
- c) High school
- d) Bachelor's degree
- e) Graduate degree

210. How many people do you live with?

- a) alone b) 1 c) 2-3 d) 4-5 e) 6-7 d) 8 or more

22. What do you see as the biggest problem in your household? (more than one choice possible)

- a) the alcoholism of a family member
- b) verbal violence
- c) physical aggression
- d) lack of income to cover expenses
- e) unemployment
- f) Other: _____

Methodological Appendix 2

Supplemental questions added to the opinion survey conducted with 13 respondents in Nova Gerty (Sao Caetano do Sul)

1. Do you think that formal state support and recognition of the community justice program is important?

- a) very important
- b) somewhat important
- c) somewhat unimportant
- d) not important at all
- e) don't know

2. Please elaborate on your answer to question 18: Why do you think so?

3. Do you think some problems/conflicts should *never* be dealt with through community justice services and *always* through the appropriate state channels?

- a) yes
- b) no

4. If you answered yes to question 22, please elaborate on your answer: Which types of problems and conflicts should *always* be dealt with through the appropriate state channels and why?

Statistical Appendix 1

Selected survey results

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	other	78	7.8	100.0	100.0
Missing	System	922	92.2		
Total		1000	100.0		

1. Socio-economic profile of respondents

1.1. Survey Question # 16. Which social class do you consider yourself to be part of? (aggregated results)

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	upper half ¹⁹⁵	209	20.9	21.1	21.1
	lower half ¹⁹⁶	782	78.2	78.9	100.0
	Total	991	99.1	100.0	
Missing	System	9	.9		
Total		1000	100.0		

1.2 Survey Question # 17. What is your race/ethnicity? (aggregated results)

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	white	331	33.1	33.6	33.6
	afro-descendents ¹⁹⁷	581	58.1	59.0	92.7
	indigenous	10	1.0	1.0	93.7
	Asian descendents	40	4.0	4.1	97.8
	other	22	2.2	2.2	100.0
	Total	984	98.4	100.0	
Missing	System	16	1.6		
Total		1000	100.0		

¹⁹⁵ Includes combined survey categories of “the wealthy;” “the upper-middle-class;” and “the middle-class.”

¹⁹⁶ Includes combined survey categories of “the lower-middle-class;” “the working class;” and “the poor.”

¹⁹⁷ Includes combined survey categories of “Black” and “Mixed descent (’Pardo’).”

1.3 Survey Question # 18. What is your gender?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	male	352	35.2	36.7	36.7
	female	607	60.7	63.3	100.0
	Total	959	95.9	100.0	
Missing	System	41	4.1		
Total		1000	100.0		

1.4 Survey question #19. What is your age group?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	14-19	214	21.4	21.7	21.7
	20-29	268	26.8	27.1	48.8
	30-39	240	24.0	24.3	73.1
	40-49	146	14.6	14.8	87.9
	50-59	83	8.3	8.4	96.3
	over 60	37	3.7	3.7	100.0
	Total	988	98.8	100.0	
Missing	System	12	1.2		
Total		1000	100.0		

2. Usual means of conflict resolution**2.1 Survey question #8. In general, if you have a problem/conflict, who would you ask to help you resolve the situation?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	community justice agents	181	18.1	18.2	18.2
	the police	300	30.0	30.1	48.2
	a public defense lawyer	179	17.9	18.0	66.2
	a private lawyer	114	11.4	11.4	77.6
	a small claims court judge	65	6.5	6.5	84.2
	take matters into your own hands	56	5.6	5.6	89.8
	people from the community	38	3.8	3.8	93.6
	no action	12	1.2	1.2	94.8
	Other	52	5.2	5.2	100.0
	Total	997	99.7	100.0	
Missing	System	3	.3		
Total		1000	100.0		

2.1.1 Aggregated results for Survey question #8. In general, if you have a problem/conflict, who would you ask to help you resolve the situation?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	formal justice system	658	65.8	66.0	66.0
	community justice agents	181	18.1	18.2	84.2
	private justice	146	14.6	14.6	98.8
	no action	12	1.2	1.2	100.0
	Total	997	99.7	100.0	
Missing	System	3	.3		
Total		1000	100.0		

2.1.2 Crosstabulation results (for self-attributed socio-economic status)

			Which social class do you consider yourself to be part of?		Total
			upper half	lower half	
In general, if you have a problem/conflict, who would you ask to help you resolve the situation?	formal justice system	Count	144	507	651
		% within Which social class do you consider yourself to be part of?	69.6%	64.9%	65.9%
	community justice agents	Count	18	162	180
		% within Which social class do you consider yourself to be part of?	8.7%	20.7%	18.2%
	private justice	Count	44	101	145
		% within Which social class do you consider yourself to be part of?	21.3%	12.9%	14.7%
	no action	Count	1	11	12
		% within Which social class do you consider yourself to be part of?	.5%	1.4%	1.2%
	Total	Count	207	781	988
		% within Which social class do you consider yourself to be part of?	100.0%	100.0%	100.0%

2.1.3.1 Chi-Square Test

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	22.450(a)	3	.000
N of Valid Cases	988		

a 1 cells (12.5%) have expected count less than 5. The minimum expected count is 2.51.

2.2 Survey question #7. If you did not have the possibility to have community justice agents help you resolve your problem/conflict, who would you go to?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	the police	60	6.0	21.4	21.4
	a public defense lawyer	144	14.4	51.4	72.9
	a private lawyer	28	2.8	10.0	82.9
	a small claims court judge	29	2.9	10.4	93.2
	take matters into your own hands	3	.3	1.1	94.3
	people from the community	8	.8	2.9	97.1
	no action	2	.2	.7	97.9
	other	6	.6	2.1	100.0
	Total	280	28.0	100.0	
Missing	System	720	72.0		
Total		1000	100.0		

2.2.1 Crosstabulation results (for self-attributed socio-economic status)

			Which social class do you consider yourself to be part of?		Total
			upper half	lower half	
if you did not have the possibility to have community justice agents help you re	the police	Count	4	56	60
		% within Which social class do you consider yourself to be part of?	10.0%	23.3%	21.4%
	a public defense lawyer	Count	16	128	144
		% within Which social class do you consider yourself to be part of?	40.0%	53.3%	51.4%
	a private lawyer	Count	10	18	28
		% within Which social class do you consider yourself to be part of?	25.0%	7.5%	10.0%
	a small claims court judge	Count	7	22	29
		% within Which social class do you consider yourself to be part of?	17.5%	9.2%	10.4%
	take matters into your own hands	Count	0	3	3
		% within Which social class do you consider yourself to be part of?	.0%	1.3%	1.1%
	people from the	Count	2	6	8
		% within Which social class do you consider yourself to be part of?			

	community	% within Which social class do you consider yourself to be part of?	5.0%	2.5%	2.9%
	no action	Count	1	1	2
		% within Which social class do you consider yourself to be part of?	2.5%	.4%	.7%
	other	Count	0	6	6
		% within Which social class do you consider yourself to be part of?	.0%	2.5%	2.1%
	Total	Count	40	240	280
		% within Which social class do you consider yourself to be part of?	100.0%	100.0%	100.0%

2.2.1.1 Chi-Square Test

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	21.162(a)	7	.004
N of Valid Cases	280		

a. 8 cells (50.0%) have expected count less than 5. The minimum expected count is .29.

3. Institutional (Mis)Trust

3.1 Survey question #9. Do you trust police officers to protect citizens, provide security, and help you when you have a problem?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	very much	140	14.0	14.1	14.1
	somewhat	457	45.7	45.9	60.0
	not much	310	31.0	31.2	91.2
	not at all	88	8.8	8.8	100.0
	Total	995	99.5	100.0	
Missing	System	5	.5		
Total		1000	100.0		

3.1.1 Aggregated results

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	trust	597	59.7	60.0	60.0
	mistrust	398	39.8	40.0	100.0
	Total	995	99.5	100.0	
Missing	System	5	.5		
Total		1000	100.0		

3.1.2 Crosstabulation results (for race/ethnicity)

			What is your race/ethnicity?					Total
			white	afro-descendents	indigenous	Asian descendents	other	
Do you trust police officers to protect citizens, provide security, and help you when you have a problem?	trust	Count	220	324	7	26	9	586
		% within What is your race/ethnicity?	66.9%	56.1%	70.0%	65.0%	40.9%	59.9%
	mistrust	Count	109	254	3	14	13	393
		% within What is your race/ethnicity?	33.1%	43.9%	30.0%	35.0%	59.1%	40.1%
Total		Count	329	578	10	40	22	979
		% within What is your race/ethnicity?	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

3.1.2.1 Chi-Square Test

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	14.365(a)	4	.006
N of Valid Cases	979		

a. 1 cells (10.0%) have expected count less than 5. The minimum expected count is 4.01.

3.1.3 Crosstabulation results (for age)

			what is your age group?						Total
			14-19	20-29	30-39	40-49	50-59	over 60	
Do you trust police officers to protect citizens, provide security, and help you when you have a problem?	trust	Count	104	143	163	104	50	30	594
		% within what is your age group?	48.8%	53.6%	68.5%	71.2%	60.2%	83.3%	60.4%
	mistrust	Count	109	124	75	42	33	6	389
		% within what is your age group?	51.2%	46.4%	31.5%	28.8%	39.8%	16.7%	39.6%
Total		Count	213	267	238	146	83	36	983
		% within what is your age group?	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

3.1.3.1 Chi-Square Test

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	38.752(a)	5	.000
N of Valid Cases	983		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 14.25.

3.2 Survey question #12. Do you think that every citizen has equal access to the justice system, independently of wealth, race and gender?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	yes	148	14.8	15.0	15.0
	no	836	83.6	85.0	100.0
	Total	984	98.4	100.0	
Missing	System	16	1.6		
Total		1000	100.0		

3.2.1 Crosstabulation results (for race/ethnicity)

			What is your race/ethnicity?					Total
			white	afro- descendents	indigenous	Asian descendents	other	
do you think that every citizen has equal access to the justice system, independ	yes	Count	51	80	5	7	4	147
		% within What is your race/ethnicity?	15.6%	14.0%	50.0%	17.9%	18.2%	15.2%
	no	Count	275	492	5	32	18	822
		% within What is your race/ethnicity?	84.4%	86.0%	50.0%	82.1%	81.8%	84.8%
Total		Count	326	572	10	39	22	969
		% within What is your race/ethnicity?	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

3.2.1.1 Chi-Square Test

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	10.496(a)	4	.033
N of Valid Cases	969		

a. 2 cells (20.0%) have expected count less than 5. The minimum expected count is 1.52.

4. User-satisfaction with community justice services

4.1 Survey question #5. If you used the services of the community justice program, were you satisfied with the outcome?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	very satisfied	72	7.2	66.7	66.7
	somewhat satisfied	27	2.7	25.0	91.7
	somewhat unsatisfied	3	.3	2.8	94.4
	not satisfied at all	6	.6	5.6	100.0
	Total	108	10.8	100.0	
Missing	System	892	89.2		
Total		1000	100.0		

5. Principal sources of daily insecurity

5.1 Survey question #15. What do you see as the biggest problem in your community?

(more than one choice possible): Delinquency, crime and violence¹⁹⁸

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	insecurity and crime	726	72.6	100.0	100.0
Missing	System	274	27.4		
Total		1000	100.0		

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	drug trafficking and use/ local gangs	545	54.5	100.0	100.0
Missing	System	455	45.5		
Total		1000	100.0		

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	disrespect and destruction of public property	381	38.1	100.0	100.0
Missing	System	619	61.9		
Total		1000	100.0		

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	noise coming from bars and clubs	353	35.3	100.0	100.0
Missing	System	647	64.7		
Total		1000	100.0		

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	fight and arguments	343	34.3	100.0	100.0
Missing	System	657	65.7		
Total		1000	100.0		

¹⁹⁸ This broad category includes response-choices for: a) insecurity and crime; b) drug trafficking and use/ local gangs; l) disrespect and destruction of public property; n) Noise coming from bars and clubs; o) fights and arguments; p) alcoholism.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	inappropriate housing/ insufficient private space	301	30.1	100.0	100.0
Missing	System	699	69.9		
Total		1000	100.0		

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	alcoholism	349	34.9	100.0	100.0
Missing	System	651	65.1		
Total		1000	100.0		

5.1.1 Crosstabulation results (for race/ethnicity)

			what is your race/ethnicity?					Total
			white	afro- descendents	indigenous	asian descendents	other	
Grouping of v15 responses -- any response having to do with concern about crime/delinquency	no	Count	36	80	1	9	8	134
		% within what is your race/ethnicity?	10.9%	13.8%	10.0%	22.5%	36.4%	13.6%
	yes	Count	295	501	9	31	14	850
		% within what is your race/ethnicity?	89.1%	86.2%	90.0%	77.5%	63.6%	86.4%
Total		Count	331	581	10	40	22	984
		% within what is your race/ethnicity?	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

5.1.1.1 Chi-Square Test

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	14.596(a)	4	.006
Likelihood Ratio	11.851	4	.018
Linear-by-Linear Association	12.087	1	.001
N of Valid Cases	984		

a. 2 cells (20.0%) have expected count less than 5. The minimum expected count is 1.36.

**5.2. Survey question #15. What do you see as the biggest problem in your community?
(more than one choice possible): Misrule of law¹⁹⁹**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	police violence	275	27.5	100.0	100.0
Missing	System	725	72.5		
Total		1000	100.0		

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	lack of police presence	611	61.1	100.0	100.0
Missing	System	389	38.9		
Total		1000	100.0		

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	lack of access to the formal justice system	325	32.5	100.0	100.0
Missing	System	675	67.5		
Total		1000	100.0		

5.2.1 Crosstabulation results (for race/ethnicity)

			what is your race/ethnicity?					Total
			white	afro-descendents	indigenous	asian descendents	other	
Grouping of v15 responses -- any response having to do with concern about misrule of law	no	Count	75	181	4	14	8	282
		% within what is your race/ethnicity?	22.7%	31.2%	40.0%	35.0%	36.4%	28.7%
	yes	Count	256	400	6	26	14	702
		% within what is your race/ethnicity?	77.3%	68.8%	60.0%	65.0%	63.6%	71.3%
Total		Count	331	581	10	40	22	984
		% within what is your race/ethnicity?	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

¹⁹⁹ This broad category includes response-choices for: g) police violence; h) lack of police presence; i) lack of access to the formal justice system.

5.2.1.1 Chi-Square Test

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	9.651(a)	4	.047
N of Valid Cases	984		

a. 1 cells (10.0%) have expected count less than 5. The minimum expected count is 2.87.

5.3 Survey question #15. What do you see as the biggest problem in your community? (more than one choice possible): Local developmental issues / quality of life in the community²⁰⁰

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	lack of public green spaces	379	37.9	100.0	100.0
Missing	System	621	62.1		
Total		1000	100.0		

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	lack of sports centers/entertainment facilities	485	48.5	100.0	100.0
Missing	System	515	51.5		
Total		1000	100.0		

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	urban decay	313	31.3	100.0	100.0
Missing	System	687	68.7		
Total		1000	100.0		

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Lack of adequate lighting	227	22.7	100.0	100.0
Missing	System	773	77.3		
Total		1000	100.0		

²⁰⁰ This broad category includes response-choices for: c) inappropriate housing/insufficient private space; d) lack of public green spaces; e) lack of sports centers/entertainment facilities; f) urban decay; j) lack of adequate lighting; k) lack of public transport; m) Lack of basic sanitation (water, sewage) _____

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	lack of public transport	307	30.7	100.0	100.0
Missing	System	693	69.3		
Total		1000	100.0		

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	lack of basic sanitation	217	21.7	100.0	100.0
Missing	System	783	78.3		
Total		1000	100.0		

5.3.1 Crosstabulation results (for race/ethnicity)

			what is your race/ethnicity?					Total
			white	afro-descendents	indigenous	asian descendents	other	
Grouping of v15 responses -- any response having to do with concern about local development/infrastructure	no	Count	80	207	4	6	5	302
		% within what is your race/ethnicity?	24.2%	35.6%	40.0%	15.0%	22.7%	30.7%
	yes	Count	251	374	6	34	17	682
		% within what is your race/ethnicity?	75.8%	64.4%	60.0%	85.0%	77.3%	69.3%
Total		Count	331	581	10	40	22	984
		% within what is your race/ethnicity?	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

5.3.1.1 Chi-Square Test

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	18.970(a)	4	.001
N of Valid Cases	984		

a. 1 cells (10.0%) have expected count less than 5. The minimum expected count is 3.07.

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